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ABSTRACT

In 1978, Congress reviewed and revised the major federal education programs covered by the Elementary and Secondary Education Act (ESEA). Programs were expanded, tightened up, or redirected. For example, Title I and impact aid will direct millions more in federal aid to the big cities of the North and Midwest at the expense of the rural South. A new and already controversial basic skills program was created, along with 12 new categorical aid programs. Disadvantaged children attending private schools were guaranteed equal shares of federal education funds. This report contains chapters on all the major ESEA programs: Title I, impact aid, emergency school aid, bilingual education, and basic skills. Charts and graphs illustrate where the money will go, including breakdowns by state and for the 50 largest school districts. The report presents and explains the details of each program and is intended to help the educator develop and implement plans that will ensure the best return for a school's dollars. Explanations concerning how the legislation worked its way through Congress are also included. (Author/JM)

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Education Laws 1978

A Guide to New Directions in Federal Aid

U S DEPARTMENT OF HEALTH,
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Table of Contents

Overview 5

Chapter 1. Title I: Compensatory Ed 10

Chapter 2. The Basic Skills Act 32

Chapter 3. Special Projects 42

Chapter 4. Educational Improvement, Resources and Support 53

Chapter 5. State Leadership 61

Chapter 6. Emergency School Aid 68

Chapter 7. Bilingual Education 76

Chapter 8. Community Schools 84

Chapter 9. Title IX: Gifted, Women, Safe Schools, Ethnic Studies 90

Chapter 10. Impact Aid 99

Chapter 11. Changes in Other Education Programs 110

Appendix. Cost Estimates for Education Amendments 117
Fiscal 1979 Education Appropriations 118

Acknowledgement

Education Laws-1978 was written by David G. Savage, Associate Editor of *Education U.S.A.* Throughout 1977 and 1978, Savage covered the many Congressional hearings on the elementary and secondary education programs as well as the actual debate and "mark-up" of the ESEA legislation. This report represents his analysis of the Education Amendments of 1978 and how these changes will affect practically every school district in the nation.

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Overview

If you want to know what federal policy in education is, don't worry about the speeches of the U.S. Commissioner of Education. You may also safely ignore the views of HEW's Assistant Secretary for Education, presuming you know there is such a person. The President and the HEW Secretary, even an activist one like Joseph Califano Jr., also don't have much of consequence to say about education.

Federal policy in education is made by the senior Democrats on the House Education and Labor Committee and on the Senate Human Resources Committee. An articulate, veteran Republican can have influence, the best examples being Sen. Jacob Javits of New York and former Rep. Albert Quie of Minnesota. And the appropriations committees make the actual funding decisions each year. But in any case, the power rests squarely on Capitol Hill. Congress writes the laws and dots the "i's" and crosses the "t's." It says how much money will go to what kinds of schools and under what conditions. The Office of Education writes the checks.

One of the lasting legacies of the Nixon Administration is a confident, assertive Congress, a state of affairs not changed much by the Presidency of a Congressional veteran, Gerald Ford, or a Democrat, Jimmy Carter. And in education at least, the Congress of the late 1970s is conservative/liberal. That is, it follows the basic liberal assumptions of the Great Society era, but is quite conservative in refusing to tamper with those assumptions. Perhaps this conservatism, or stability if you prefer, shouldn't be a surprise. Unlike the commissioners of education, who come and go as often as managers of last-place baseball teams, the Congressional leadership doesn't fluctuate. The key members in the House have been associated with education policy since the Elementary and Secondary Education Act (ESEA) first passed Congress in 1965—Carl Perkins, John Brademas, William Ford, John O'Hara and Quie. All but O'Hara were there for the 1978 reauthorization of ESEA. Their counterparts in the Senate were Claiborne Pell, Harrison Williams, Tom

Eagleton, Walter Mondale, Edward Kennedy and Javits. Of those, only Mondale is gone—sort of. The House and Senate committees, based on 12 years of experience and oversight, were preparing drafts of legislation to revise ESEA early in 1977. At the same time, by contrast, the Commissioner and Assistant Secretary, both of whom had been university administrators, were getting briefings from their staffs on what were the federal elementary and secondary education programs.

The stability of Congress—and of its education policy—can be seen in another way. When President Kennedy first proposed a massive program of federal aid to education, the idea was hotly debated across the country and in Congress. After a bitter floor fight, the bill was voted down. Only after the Johnson landslide of 1964 did ESEA pass Congress, and only then cloaked as an anti-poverty measure. Recently, "reformers" have talked much of "sunset legislation," meaning a law would be passed for a certain period of time—perhaps five years—and would go out of existence afterward unless Congress debated it and reaffirmed the program. A fine idea, except this is already done, in theory. ESEA has been extended in 1968, 1974 and now 1978.

But the reauthorization of 1978 had little to do with the 1965 battle. This time there was no real debate. No one seriously questioned whether the federal government should pump billions of dollars into local schools, whether the billions already spent made any difference in how much children learned, or whether the money should be distributed in a significantly different way. The assumptions of 1965 emerged again unchanged, and almost unchallenged. One witness said ESEA had been an "unquestioned success." He was, literally, correct.

Federal school aid will continue to be directed or "targeted" at certain groups of children—the poor ("disadvantaged"), the handicapped, Indians and those who don't speak English as a native language. Federal aid will continue to be used only to "supplement, not supplant" local and state aid. And federal aid will continue to encourage schools to do what they otherwise might not, from desegregating their classrooms to teaching population education.

Presidents Nixon and Ford had proposed a drastic revision of federal aid to education. They would have sent money to the states in "block grants" with no strings attached, a revenue sharing for education. Not surprisingly, governors, state legislators and some school administrators thought this an idea whose time had come. But the key Democrats in Congress didn't, and the legislation never got off the drawing board. Sen. Pete Domenici, an energetic young Republican from New Mexico, kept the block grant idea alive in 1978. His was a modified version which would have allocated money in a few distinct areas—the disadvantaged, handicapped, bilingual—but dropped the rest of the strings.

How They Reach Consensus

The scene looks strangely familiar. A group of gray-haired, well-dressed men sits around an elegant mahogany table. Cigar smoke drifts into the chandeliers above, and onlookers crane their necks forward to hear what is being said. Papers shuffle back and forth, while an adviser speaks in hushed tones. A measured gaze goes across the table. The talk is of big money.

No, this is not Las Vegas and a gaming table. It is the Senate committee "mark-up" of the ESEA legislation. The talk is not of thousands of dollars, but of hundreds of millions. The picture in the House is similar—a few more players, a larger room and perhaps a bit less decorum. After months of taking testimony, drafting bills and writing reports, the members and staff get together in the subcommittee to write the legislation. The full committee later reviews the work. It is called a "mark-up" simply because members mark-up or amend a draft bill usually prepared by the chairman.

The committee and subcommittee mark-ups reflect the style of the chairman. For the Senate subcommittee on education, it is Claiborne Pell—reserved, aristocratic, interested in philosophical discussions of education but not much concerned with the endless technical details of legislation. When the Senate Committee hits a sticky point, it most often turns to its senior Republican, Jacob Javits. This year, the committee had spent nearly an hour trying to write a suitable definition of a "bilingual child." Javits emerged from a Foreign Relations Committee hearing, spent about two minutes reading the background papers on bilingual education and suggested a compromise acceptable to everyone. Sen. Edward Kennedy, dropped his glasses and looked across the table smiling. "By God, Jack, what would we do without you?" he asked.

On the House side, Carl Perkins is chairman of both the subcommittee on elementary and secondary education and the full Education and Labor Committee. He's been chairman longer than anyone in the House. His demeanor reflects his Eastern Kentucky background—he is plainly dressed, unpretentious, not given to long debates. Perkins hides his knowledge and expertise behind a veil of affability. At times the House subcommittee mark-ups are hectic, with members calling out amendments by the minute, aides circling the table to pass out hastily copied legislative language and lobbyists whispering in the ears of the members closest by. But the chaos is more apparent than real. Perkins and his top aide Jack Jennings know what amendments will be introduced and how they will be handled. Occasionally, when members can't resolve a dispute after several minutes of debate, Perkins, smiling all the while, announces his opinion. It usually sticks.

His proposal was introduced in the Senate education subcommittee as an experiment—five states could try the block grant system if they chose. But the idea was voted down. This, incidentally, illustrates the importance of the Congressional committee system. Domenici had the support of many Senate Republicans as well as that of powerful Democrats such as Warren Magnuson, chairman of the Appropriations Committee, and Jennings Randolph, chairman of the Environment and Public Works Committee. Sen. William Proxmire lambasted the ESEA reauthorization bill as a "department store full . . . of everybody's pet project." None of these senators served on the education subcommittee. If passing the bill meant going through the education committees, which it did, the chances were slim.

There was an education debate in Congress in 1978, but it had little to do with ESEA. The tuition tax credit legislation proposed a radically different way of distributing federal aid to education—by giving parents a tax credit for tuition paid to send their child to private school. This idea cuts across most coalitions. Its key supporters in the Senate were Daniel Patrick Moynihan, an Easterner with a largely ethnic and Catholic constituency, and Bob Packwood, an Oregonian with a mostly white, Republican and Protestant constituency. The measure was finally defeated in the Senate by a combination of Northern liberals and Southerners fearful of a return to segregated schools. But dramatic debates aside, the 300-page ESEA bill did become law. The tuition tax credit didn't.

And while radical and philosophical changes went nowhere, Congress redirected the ESEA program in hundreds of large and small ways. The House subcommittee on elementary and secondary education took its most thorough look ever at the multitude of ESEA programs, holding 75 days of hearings, listening to more than 300 witnesses and compiling 22 thick volumes of testimony. The Senate bogged down in 1978 over debates on the Panama Canal treaty and gas deregulation, but still held 10 days of hearings on ESEA and also turned out a 300-page reauthorization bill.

From it all, ESEA got a complete tune-up. With the industrial North again winning the Civil War, this one in the committees, the ESEA program will now direct millions of dollars more to the big cities of the North and Midwest. Aid programs for gifted and talented children and for creating "community schools" were greatly expanded. The controversial bilingual education program was tightened a bit to make sure Hispanic children don't spend their whole school careers in Spanish-speaking classrooms. Sharp-eyed proposal writers will find about 12 new or greatly expanded "categorical" programs in ESEA. The themes running throughout the new law are directing more attention to "basic skills," assuring equal treatment for children in private schools, getting parents more involved in their child's education and cutting federal paperwork.

The story of the Education Amendments of 1978 isn't one of radical, headline-making changes. ESEA will continue to send out more than $6 billion a year to contribute to the education of several million children. It is the story of a federal policy of limited aid directed at specific education problems, a policy that has been tightened up, revised and reaffirmed.

The House and Senate committees referred to throughout the text are the *House Committee on Education and Labor* and the *Senate Committee on Human Resources*. The subcommittees that considered the ESEA bill are the *House subcommittee on elementary, secondary and vocational education* and the *Senate subcommittee on education, arts and the humanities*. The section numbers in the text refer to the final Congressional conference report on ESEA—"House report 95-1753 accompanying HR 15." The section numbers also refer to the titles of the law. For example, Sec. 122 would be in Title I; Sec. 322 would be in Title III, and so on. The House committee report is No. 95-1137, which accompanied HR 15. The Senate committee report is No. 95-856, which accompanied S 1753.

Chapter 1

Title I Compensatory Education

To talk about the Elementary and Secondary Education Act (ESEA) is to talk about Title I. The largest federal program for elementary and secondary schools, with a 1978 appropriation of almost $3 billion, Title I funds supplemental reading and math programs for poor and low-achieving students. A massive National Institute of Education (NIE) study of Title I, completed in 1977, provided for the first time some indication of where the money had gone and what it had accomplished. The magnitude of the program is impressive—90% of the nation's school districts get Title I money; 5.9 million students benefit from Title I funds. An estimated 20% of the nation's elementary school children participate in Title I programs.

The vast majority of the money goes to fund programs for extra help in reading (for 89% of Title I students) and mathematics (for 44% of them). Participating students spend 20%-25% of their school day receiving special help. Most special groupings are "significantly smaller" than a normal elementary school class, NIE said in its Title I report. In addition to being used for employing teachers, instructional specialists and teacher aides, the funds are used for special summer programs and inservice training for teachers. In summarizing case studies of 12 districts, NIE said, "Title I students in every district received extra services—either more time in instruction, smaller group size or more time with highly qualified teachers."

Does It Affect Learning?

What effect does all this have on learning? That is still an open question. When Title I programs began in 1965, it was assumed—or at least hoped—that the extra instruction to be provided would help "compensate" for the "disadvantage" of having grown up in a poor family. But few really believe that has happened. Poor children continue to fall behind their middle-class peers, and seldom catch up. One of the many mysteries of education is that the great infusion of federal aid had almost no impact on the achievement of these students, if you believe the many studies that have appeared. The NIE study of Title I did not devote much of its effort to determining whether or not compensatory education has much of a compensatory effect. This is not what Congress wanted from the study, an NIE official has stated, because previous studies had only "embarrassed" supporters of the Title I program. The NIE report was anything but embarrassing to Congress. The House and Senate committee reports on the 1978 Education Amendments said the "most encouraging accomplishment of Title I uncovered by NIE" was its impact on learning. NIE had selected 100 projects that seemed to be especially well-run, and tested first and third graders in the projects over seven months of the school year. Most students gained from eight to 12 months in reading and math—far above what would normally be expected. NIE called these the "most impressive" results to date on the impact of Title I, but also noted that the results cannot be used to suggest that all Title I projects are doing as well. NIE also steered away from examining a random sample of projects because of the fear that some of them would show no gains.

Many influential members of Congress, who had dismissed earlier evaluations showing that Title I had no effect on student achievement, quickly trumpeted the NIE findings. But Congress has not debated whether or not the money has had any effect on learning. Rather, it has chosen to continue to send the money on to poor schools and hope for the best. The key congressional Title I battles have erupted over the formula for distributing the funds. The education committees, again relying on NIE data, say the program has succeeded in its main objective—directing extra federal money to the poorest schools and the poorest students. The House committee report noted that while Title I accounts for only 5% of the nation's school expenditures, it funds one-sixth of the budget in some of the very poorest districts. About five and a half times as much aid per pupil goes to the poorest versus the richest districts.

Data Raises Questions

But the NIE data also raises some eyebrows on the other side. Why would the richest districts be getting any money? Nine in 10 school districts receive Title I funds, as do 86% of the nation's elementary schools, more than previously thought. And as Rep. Albert Quie, R-Minn., asked in his dissent to the House committee report, how good can the formula be when only 23% of all Title I children in grades two through six are poor and/or low-achieving, while 35% are neither? And how fair is it that Montgomery County, Md.—the nation's wealthiest county according to the 1970 Census—has enough Title I money to serve schools having only 5% poor students; while Garrett County, Md.—a poor, rural area in the western part of the state—can only serve schools having more than 27% poor students?

The Concentration Fund

It was this realization—that Title I money was spread widely and, at times, in strange patterns—that led to one of the most important amendments to Title I in 1978: the so-called "concentration fund." The idea was mentioned first by the American Federation of Teachers, whose locals are concentrated in the nation's big cities. Later, it was picked up by HEW Secy. Joseph Califano Jr., and was included in the Carter Administration's package of recommended changes in ESEA.

The Carter Administration originally labeled the Title I change as an "urban/rural concentration," a label that was dropped when it was discovered that 80% of the money would go to cities. The amendment was also altered in the committees to direct money to counties, rather than to school districts. (The U.S. Bureau of the Census does not have data on school districts, only counties.) As finally adopted, the amendment sets up a separate $400 million per year authorization under Title I, and counties with more than 5,000—or 20%—poor students are eligible. The money is to be spent like other Title I funds, and is to go to the poorest schools within the county. To soothe the rural states, each state is guaranteed .25% of the fund, or, if $400 million is actually appropriated by Congress, $1 million per state.

But the "if" is a big one. As the bill was originally written, the concentration fund would have come off the top of the entire Title I appropriation. If any money were appropriated, the concentration fund would get its $400 million first. Its sponsors saw this as the easiest way to ensure that the concentration part would be funded. But Senate Appropriations Committee Chairman Warren Magnuson, D-Wash., would have none of it. He introduced a successful motion on the Senate floor to separate the concentration fund and make it a distinct item in the Title I appropriation. This means the appropriations committees may or may not fund the concentration provision. Cities and urban states will have to lobby hard for the extra money. It is not a sure thing.

The 'State Incentive Fund'

The other separate appropriation that was added to Title I is called the "state incentive fund." The federal government has tried to encourage remedial help for poor students, so, the states asked, why not give "matching funds" to states providing compensatory education? The same principle is followed in many other areas, the states argued. If a state or city will put up some of its money for mass transit, for example, the federal government will add to it or, in some cases, match the amount. In 1976, 16 states reported spending a total of $364 million on a variety of programs to aid poor, disadvantaged or low-achieving students. The state incentive amendment, also suggested by the Carter Administration, would send out one extra federal dollar for every two state dollars spent on compensatory education. But the states must spend the money on "educationally deprived" children, and at least half the money must go to schools that are eligible for Title I aid.

There's an appropriation versus authorization problem here, too. For this section of the bill, Congress authorized "such sums as may be necessary"—which is congressional language for a blank check. The appropriations committee may appropriate $100 million for this area, or it may appropriate nothing. It is important to understand the difference between an **authorization** and an **appropriation.** A legislative committee establishes the **authorization** for a program. This is a ceiling on spending, but it is also a recommendation of how much should be spent. If the **authorization** is increased by $100 million a year for five years, the legislative committee believes the funding should be increased by about that much each year. But some authorizations are passed, and then never get an **appropriation.**

These new authorizations are minor compared to the main Title I formula, which actually distributes the $3 billion a year in Title I funds. The 1974 reauthorization degenerated into open warfare among the members of Congress over the distribution formula. In 1978, it was a quieter "war between the states."

The industrial areas opposed the rural areas; the cities opposed the counties; and the North went against the South (or, as that is now phrased, the Frost Belt versus the Sun Belt). Congress is populated mostly by lawyers, a fact often cited disparagingly. But there is a strong case to be made for just such an arrangement. Lawyers fight for their client's interests in a courtroom. And most congressmen see their job as fighting for the interests of their district or their state. Members of Congress can wax eloquently in public about a program that will send money to their constituents; but, in private, most are not so high minded. During one break in the ESEA markup, an influential Senate Democrat huddled with an aide and glanced over a new computer printout showing how a suggested change in impact aid would affect each state. The senator was surprised to see that his state would gain, rather than lose, by the change. "Well, we were opposed to this before, but I guess we're for it now," he then told his aide.

One undercurrent during the 95th Congress was the feeling by members from the North and upper Midwest areas that their states were declining economically at the expense of the Sun Belt. The situation was dramatized by the near bankruptcy of New York City, an area long envied as one of the nation's most affluent. Ironically, at the same time Northern members seemed to be gaining power in Congress, ending the long stranglehold on key committees held by Southerners. Veteran members of the House Education and Labor Committee and the Senate Human Resources Committee represent the Northern industrial states with one vital exception—House Committee Chairman Carl Perkins, a Democrat from Kentucky. All the rest of the veteran committee members are from the old, industrial, urban states. The Human Resources Committee chairman is Sen. Harrison Williams, D-N.J. The chairman of the education subcommittee is Sen. Claiborne Pell, D.-R.I. The other active Democratic subcommittee members are Sens. Edward Kennedy, Massachusetts, and Thomas Eagleton, Missouri. Among the Republicans are Sens. Robert Stafford, Vermont, and Richard Schweiker, Pennsylvania. The House subcommittee on elementary and secondary education showed a similar lineup. The members representing rural or Southern districts, such as Perkins, Reps. John Buchanan, R-Ala. and Larry Pressler, R-S.D., didn't have quite enough votes to win in the subcommittee. And the full Education and Labor Committee, which includes the members who have labor as their primary interest, was thoroughly dominated by members from industrial states.

Urban vs. Rural in Funding

Federal aid policies had traditionally pumped money into the poor states of the South. The Northeast and upper Midwest suffered a balance of payments deficit. Some observers had predicted that the battles in the 95th Congress would be bitter ones as delegations from the industrial states attempted to swing more federal money in their direction. This attempt was evident during the debate on Title I, but perhaps not to the degree that some had predicted. Urban states did come away with some key victories. The "concentration fund" will benefit all the nation's big cities, but will send only a pittance to rural states. House committee Democrats, led by veteran Rep. William Ford from the Detroit area, won two changes in the regular Title I formula. First, all children in families receiving welfare (Aid to Families with Dependent Children—AFDC) are to be counted in the formula for Title I. When AFDC money was counted as part of a family's income, it often pushed them above the poverty line. Ford complained that the big cities "took a bath'' in 1974, when Congress said local Title I projects could count only two-thirds of the AFDC children who came from families with adjusted incomes above the poverty line. The Council of The Great City Schools testified that 26 of the nation's largest school districts got $23 million less in Title I funds in 1977 than in 1974, primarily because of the limits on the count of AFDC children.

But Ford was staunchly opposed by Perkins and other committee members from rural states. ''We don't have a uniform national welfare system,'' Perkins said, so it is not a fair or reasonable way to calculate the poverty count. ''A child counted in one county may not be counted in another,'' and the differences among the states are even greater, he said. About 75% of the AFDC children counted for all Title I programs reside in just five states, and 11 states don't count *any* AFDC students for Title I. The Ford amendment failed on a tie vote, 17-17, but passed an hour later, on a second vote, 18-17. ''This is reverse Robin Hood legislation,'' said Buchanan from Alabama. ''We're taking from the poor (Southern states which pay little in welfare) to give to the less poor (urban states which pay more in welfare).'' With Sens. Pell, Jacob Javits, R-N.Y., Williams and Kennedy in charge of the Senate Committee, the AFDC change was added there without debate. Its impact, beginning in 1980, will not be overwhelming; but it will direct millions of dollars more in Title I aid to the big cities.

Using Census Data for Distribution

Then Ford turned to his other pet peeve—the 1970 census. Census data was used to distribute almost all of the Title I money. (Some districts use a combination of data on poverty, including applications for free school lunches or local welfare counts.) But as Quie was fond of pointing out, the school-age children from impoverished families that were counted during the 1970 census were 13 to 25 years old in 1978, and would be 17 to 29 years old before new census data was available. In the eight years since that data had been collected, whole neighborhoods had changed—from poor to rich, or rich to poor. The country's population had shifted in many ways—from South to North, from city to suburbs, from rural areas to cities and back again. But Title I money was being allocated on the basis of the 1970 census data.

In 1976, the U.S. Bureau of the Census surveyed 151,000 households to obtain more recent data on the number of poor children residing in each state. The Survey of Income and Education (SIE) found a significant drop in poverty in the South and a slight increase in the urban areas of the North and upper Midwest. Ford at first suggested the SIE count be used to distribute all Title I money, but later revised his motion to use it only for newly appropriated Title I funds (those above the fiscal 1979 appropriation).

This set off another North-South clash. Members scurried to examine computer printouts furnished by the Congressional Research Service. Perkins opposed the change, saying "we shouldn't tear up the formula" and go to questionable figures "with another census just around the corner." Buchanan was particularly irate because the SIE data had shown poverty declining by one-half in Alabama—a cause for joy in all except federal funding formulas. Buchanan said the SIE was "absurdly inaccurate" and backed up his contention by showing that the SIE study did not look at Alabama's 14 poorest counties. "The SIE was characteristically an urban study," he said later, "but poverty is basically a rural problem in the South and an urban problem in the Northeast and North Central states. In the South, the urban areas are generally more prosperous. Therefore, the (SIE) results do not reflect regional differences in poverty." But Rep. James Jeffords, a Republican from rural Vermont, said the SIE study more clearly showed the dimension of poverty in a state like his. He and Perkins traded plaudits and jabs at the study, with both drawing their ammunition from the same testimony by census bureau officials. Census officials admitted the SIE study had "serious inadequacies," Perkins said. But, replied Jeffords, they also said, "On balance, the SIE is generally believed to provide the more reliable estimate of children in poverty" than the 1970 census. So much for arguments. The second Ford amendment prevailed 21-14 in the full House Committee.

On this one, though, the Senate didn't go along. The House-Senate conference on the ESEA bill compromised in the middle. Half of the newly appropriated Title I money will be distributed through the SIE count of poverty. The other half will continue to be distributed through the existing Title I formula, based on the 1970 census. And, to passify Buchanan, the conference also agreed that if any count had changed by more than 25%, the U.S. Office of Education (USOE) must use an "alternative count" to distribute Title I money to that state. The three changes together—adding all AFDC children in the Title I count, using SIE data for half the new money, and the concentration fund—could represent a bonanza for the big cities, especially the old, industrial ones. But of the three, the concentration fund is by far the most important. If the fund gets its full provision of $400 million a year, the cities will see a lot more Title I money. If not, the changes wrought in the 1978 amendments will be negligible.

Other Distribution Changes

The committees also enacted several relatively minor changes in how funds are to be distributed within states and districts. Rep. Albert Quie, one of the best respected education experts in Congress (he has since been elected Governor of Minnesota), provoked the only serious philosophical dispute in the House committee. He challenged a key assumption—that poverty and low school achievement were necessarily related. Quie said Title I was an education program, not a poverty program, and therefore the money should be distributed according to the number of low achieving students in a school, not by the number of poor families in the neighborhood. He frequently cited a USOE study done by the Decima Corp. showing that most low achieving students weren't poor. But Committee Chairman Perkins, citing the same study, noted that poor children were much more likely to have problems in school. On largely party line votes, Quie lost.

Realizing he couldn't change the direction of the program from low-income to low-achieving students, Quie retreated and instead tried to alter the "ranking" of schools within districts. The law had said districts were to rank schools by their percentage of poor students, and were to fund those that had an above average percentage. But Quie noted that in some districts studied by NIE schools with more than 40% low-achieving students were not high ranking, or "target," schools to get Title I aid, while across town schools with less than 20% low-achieving students were getting the money. The discrepancy could be the result of three factors. First, the 1970 census may no longer represent the concentration of poverty in the area. Formerly poor neighborhoods may not be middle class ones, or vice versa. Second, perhaps students had been bused from poor areas to middle-class ones as part of a desegregation plan. (This seemed to be the case in Charlotte, N.C., one of the cities studied by NIE.) Or, third, maybe low family income isn't directly related to poor achievement in school. Quie made all three arguments. He convinced the committee to allow districts to serve schools with "substantially greater" than average numbers or percentages of low-achieving students, even if the school didn't seem to be an especially poor one according to census data. The actual term used for low-achieving students is "educationally deprived." This is in contrast to "economically deprived." Presumably, the low-achieving students are to be determined using standardized achievement tests. In addition, any district planning to use "educationally deprived" as an alternative way to rank its schools for Title I aid must get the consent of its local Title I advisory council and of its state department of education.

CHART 1

State Grants under Title I—1979 and 1980

Column A is based on a figure of $2.735 billion, the amount Congress appropriated to be spent in fiscal 1979. Column B uses a total of $3.478 billion. Congress has already appropriated $3.078 billion for use in fiscal 1980 and will be asked to add $400 million to that for the "concentration grants." (Figures compiled by the Congressional Research Service.)

	A **Fiscal '79**	**B** **Fiscal '80**
Alabama	63,501,000	77,389,000
Alaska	4,657,000	5,984,000
Arizona	23,377,000	30,220,000
Arkansas	36,120,000	43,747,000
California	195,395,000	279,244,000
Colorado	21,468,000	26,172,000
Connecticut	20,564,000	28,271,000
Delaware	6,049,000	7,891,000
District of Columbia	14,062,000	19,284,000
Florida	80,317,000	96,107,000
Georgia	68,598,000	83,240,000
Hawaii	8,329,000	12,334,000
Idaho	5,675,000	7,248,000
Illinois	101,632,000	136,063,000
Indiana	31,541,000	36,943,000
Iowa	22,386,000	26,049,000
Kansas	18,318,000	20,935,000
Kentucky	48,960,000	59,356,000
Louisiana	72,213,000	89,340,000
Maine	9,033,000	11,065,000
Maryland	40,575,000	50,834,000
Massachusetts	46,572,000	62,858,000

Michigan	94,656,000	128,427,000
Minnesota	34,320,000	40,517,000
Mississippi	60,603,000	74,969,000
Missouri	42,741,000	52,383,000
Montana	7,962,000	9,822,000
Nebraska	13,188,000	15,842,000
Nevada	2,998,000	4,388,000
New Hampshire	3,751,000	5,248,000
New Jersey	61,598,000	81,233,000
New Mexico	19,698,000	24,288,000
New York	232,021,000	327,298,000
North Carolina	73,372,000	87,228,000
North Dakota	6,613,000	8,493,000
Ohio	72,007,000	89,776,000
Oklahoma	28,830,000	34,322,000
Oregon	21,792,000	25,513,000
Pennsylvania	110,352,000	142,606,000
Puerto Rico	79,845,000	118,432,000
Rhode Island	8,215,000	10,577,000
South Carolina	48,252,000	58,384,000
South Dakota	8,690,000	9,679,000
Tennessee	57,435,000	70,712,000
Texas	153,423,000	190,078,000
Utah	7,797,000	9,632,000
Vermont	3,876,000	5,347,000
Virginia	55,815,000	66,243,000
Washington	27,126,000	33,217,000
West Virginia	25,320,000	30,041,000
Wisconsin	38,323,000	47,975,000
Wyoming	3,359,000	4,571,000
TOTAL	$2,343,317,000	$3,017,805,000

CHART 2

School District Grants under Title I—1979 and 1980

Note: Money is distributed to counties, so both the county and city are included.

School System (50 largest)	A **Fiscal '79**	B **Fiscal '80**
New York, N.Y.	147,098,000	218,213,000
Los Angeles, Calif.	70,157,000	106,743,000
Chicago, Ill.	60,539,000	88,060,000
Philadelphia, Pa.	32,445,000	47,574,000
Dade County, Fla. (Miami)	12,214,000	15,774,000
Detroit, Mich.	37,300,000	56,702,000
Houston, Texas (Harris)	13,539,000	18,104,000
Hawaii (entire state)	8,329,000	12,334,000
Baltimore, Md.	18,362,000	25,088,000
Prince George's County, Md.	3,700,000	4,658,000
Broward County, Fla. (Ft. Lauderdale)	4,465,000	5,536,000
Dallas, Texas	10,704,000	14,240,000
Fairfax County, Va.	1,738,000	2,057,000
Washington, D.C.	14,062,000	19,284,000
San Diego, Calif.	12,283,000	17,881,000
Memphis, Tenn. (Shelby)	11,961,000	16,209,000
Hillsborough County, Fla. (Tampa)	5,900,000	7,433,000
Baltimore County, Md.	2,686,000	3,245,000
Cleveland, Ohio	12,616,000	17,515,000
Jefferson County, Ky. (Louisville)	5,837,000	7,708,000
Duval County, Fla. (Jacksonville)	7,766,000	9,897,000
Montgomery County, Md.	2,070,000	2,393,000
Milwaukee, Wis.	10,581,000	15,865,000

Orleans Parish, La. (New Orleans)	12,306,000	16,486,000
Pinellas County, Fla. (Clearwater)	3,231,000	3,906,000
Columbus, Ohio (Franklin)	6,069,000	8,228,000
Dekalb County, Ga. (Decatur)	2,018,000	2,444,000
Clark County, Nevada (Las Vegas)	1,793,000	2,625,000
Orange County, Fla. (Orlando)	3,973,000	4,887,000
Albuquerque, N. Mexico (Bernalillo)	4,282,000	5,637,000
Jefferson County, Colo. (Lakewood)	1,081,000	1,221,000
Atlanta, Georgia (Fulton)	7,696,000	10,281,000
Charlotte-Mecklenburg County, N.C.	3,472,000	4,427,000
Indianapolis, Ind. (Marion)	5,452,000	7,267,000
St. Louis, Mo.	9,228,000	12,526,000
Nashville, Tenn.	4,065,000	5,284,000
Anne Arundel County, Md. (Annapolis)	2,125,000	2,464,000
Boson, Mass. (Suffolk)	11,462,000	16,496,000
Palm Beach County, Fla. (West Palm Beach)	3,672,000	4,489,000
Fort Worth, Texas (Tarrant)	4,983,000	6,444,000
East Baton Rouge Parish, La.	3,382,000	4,284,000
Denver, Colo.	5,418,000	7,398,000
Newark, N.J. (Essex)	15,263,000	22,172,000
Mobile County, Ala.	6,057,000	7,898,000
Jefferson Parish, La. (Gretna)	2,725,000	3,386,000
San Francisco, Calif.	6,214,000	8,838,000
San Antonio, Texas (Bexar)	13,539,000	18,104,000
Cincinnati, Ohio (Hamilton)	7,565,000	10,347,000
El Paso, Texas	6,561,000	8,594,000
Granite, Utah (Salt Lake City)	3,222,000	3,976,000

To remedy a similar problem, the 1978 ESEA amendment also say that any school with 25% poor students should get Title I money. In some very poor counties, 25% was not above the average percentage of poverty, so these schools weren't target schools. But this clearly subverts the intention of the law. Remember the Montgomery County versus Garrett County example. (See p. 12)

And Then There's Paperwork

House and Senate Democrats were not ready to buy the argument from many in education that the flood of paperwork and regulations generated by federal programs meant they should be switched to uncontrolled "block grants" to the states. This seemed to be "throwing out the baby with the bathwater," as some said, and probably would have only exchanged state bureaucrats and state paperwork for federal bureaucrats and federal paperwork. But this didn't mean the committees were fans of paperwork. House committee chairman Perkins constantly complained that "needless paperwork and regulations" had bogged down the Title I programs, and in some cases had practically defeated them. Senate education subcommittee chairman Pell had once stated that his goal for federal education programs was to "simplify, simplify and simplify." But some school administrators were skeptical about that statement because Congress seemed to want to cut paperwork and regulations at the same time that it wanted to hold tight to the purse strings of federal money. The two were probably contradictory.

Still, the 1978 ESEA amendments make some changes that will allow a few trees to live longer. Most importantly, local education agencies must file an application with the state every three years, rather than annually (Sec. 121 and 124). And a state now needs to submit only one basic application to USOE containing all the standard assurances that its Title I program will be operated according to the law (Sec. 164). Evaluation reports will also be required less often—every three years, rather than annually. And the federal government must report to Congress every other year on the success of Title I.

The other significant change is to allow "schoolwide projects" in the poorest schools (Sec. 133). Title I is intended to support special, extra help for "disadvantaged" students. The law is quite specific in stating that Title I money must be used to "supplement, not supplant" the regular school program. In practice, this can lead to some absurd situations. Title I teachers feel they can not have anything to do with Johnny, who is not a Title I student. From fear of federal or state auditors, many schools run a so-called "pull out" program for Title I students. This means that Jim and Mary—the Title I children and the "slow learners"—must leave their regular class each day and go down the hall to a remedial reading class run by a specialist paid for with the federal funds. The NIE study found that even though this type of program is the most common one in use, it may be the least effective. In special education for handicapped students, the move has been toward "mainstreaming" them into regular classes. The benefits of being with normal, high-achieving students probably outweigh the benefits of having special but separate instruction. Some educators have argued that Title I programs using a "pull-out" approach could actually be harming those students by removing them from the influence of students who are learning at a normal rate, and by branding them as slow learners. About one in four Title I students are in separated classes for the entire school day.

The Senate committee report on Title I takes note of this and states that the law "should not be construed to encourage or require any particular instructional strategy." Further, it says, the "separation of compensatory education students from high-achieving students for the entire school day is not required by Title I, is not a necessary aspect of compensatory instruction, and, to the extent possible, should be avoided." Still, the NIE study did not conclude "pull-out" programs were significantly worse than other approaches to compensatory education, so Congress did not go any further in limiting the practice.

But the situation can get absurd in especially poor schools. Who will be left behind if most of the students are poor and are thus enrolled in special, separated Title I classes? Clearly, a separate and distinct Title I program is clumsy and counterproductive in a school that has "mostly" poor children. The House defined "mostly" as 70% poor children; the Senate, 80%. They compromised at 75%. The new law says any school with 75% or more poor children may run a "schoolwide" Title I program for compensatory education. This will save the auditors headaches. But there are also strings attached. A school applying to use Title I money for its entire program must do a "comprehensive needs assessment" of its students, design an instructional plan to meet those needs and get the plan approved by teachers, parents, the school district office and the state. But once begun, the technique should reduce the paperwork and other problems that plague many Title I projects.

Monitoring Title I Projects

While Congress took some steps to cut paperwork, it also tightened the monitoring of Title I projects. Civil rights groups have complained that some local education agencies have consistently violated the Title I law by using the money as general aid to education. The Lawyers Committee for Civil Rights Under Law examined the Title I program as part of the NIE study, and put together guidelines for monitoring and enforcement. The Senate committee used these guidelines as a basis for its ESEA bill. The federal government's only means of enforcing the law is a blunt club—the power to cut off all federal funds, or to order a refund of "misspent" funds. This involves the questionable Title I audit process, which within USOE is really a three-sided exchange of memos inside HEW—from the HEW Audit Agency, to the Title I staff, to the Bureau of Elementary and Secondary Education. Usually, no one agrees on what should be done. The HEW auditors point out violations of the law, while the Title I staff argues that these are technical errors not worth pursuing. In 1975, the lawyers committee found that audits had concluded that $242 million had been misspent. Of this, about $330,000 was recovered by USOE, or .15%. Rather than having USOE continue to chase its tail, the new law tries for a more sensible approach.

First, the states will get more responsibility for monitoring and enforcing the Title I law. A state's three-year plan submitted to USOE must include a schedule of visits to school districts, a description of procedures for monitoring local compliance, procedures for resolving complaints and the means of ensuring services to students in private schools. With all these extra responsibilities, the amount paid to states for administration of Title I will rise from 1% to 1.5% of its grant. The minimum for a state for administration will be $225,000. USOE will continue to have the authority to cut off funds to states that are found to have violated Title I regulations, but the new law also authorizes USOE to develop a "compliance agreement" with the state. Under such, the state and USOE can come up with a more useful way of making up for past mistakes in the Title I program. USOE must also develop and publish written guidelines for resolving complaints and audit violations. (See also Title V.)

The NIE report said many school districts do not fully comply with Title I guidelines because they do not understand them. Even worse, it said, neither do some USOE officials. These officials have sometimes misled state and local administrators in letters and policy pronouncements. The new law adopts a recommendation of the Lawyers' Committee in which USOE, within 12 months after the new regulations have been published, must develop and distribute a Title I policy manual (Sec. 187). This will spell out all the requirements of the law, and answer many of the common questions often asked by local and state administrators.

What About Private Schools?

One theme running throughout the 1978 education amendments is a concern for private school children. It's not hard to deduce its origin. The key education question in 1978 for most congressmen was not the reauthorization of the ESEA, but tuition tax credits. The Moynihan-Packwood bill, to give up to a $500 tax credit to parents sending their children to private schools, garnered strong support on both sides of Capitol Hill, and a small tax credit passed the House. For years, the Catholic Church and other supporters of private schools have advocated using federal and state aid for their schools. But the U.S. Supreme Court has repeatedly rejected this as a violation of the First Amendment guarantee of separation of church and state. The Moynihan-Packwood bill, by giving a tax credit to the parents rather than to the school, seemed to get around this legal problem. Fueled by an anti-government and anti-public school mood, the tuition tax credit idea got enthusiastic support from many members of Congress in 1978, and probably will continue to do so for the next few years.

Perhaps unknown to some supporters of the tax credit, the existing federal education laws require that private school students be served on the same basis as public school students. Poor students attending private or parochial schools are eligible for compensatory education funded by Title I; students who don't speak English and who attend private schools are eligible for bilingual education; and so on. But while the law has been clear, many state and local governments weren't fulfilling their responsibilities to private school students. After persistent complaints in some areas, Congress had approved a "by-pass" authority whereby another organization—not the regular state or local education agency—would get the federal money to serve private school children. Missouri, for example, has a strict law separating church and state, so the state education agency was unable to serve private school children. USOE by-passed the state education department and contracted with a private organization to provide comp ed services for that state's eligible parochial students.

Most of the education committee members in Congress firmly opposed the tuition tax credit ideas because they were a dramatic departure from current federal education policy. Title I and other federal programs direct their money to specific purposes, usually for serving a "disadvantaged" student by some definition. The tuition tax credit legislation made no such distinctions. It would have given the same amount of aid to wealthy parents as to poor ones. And it gave no directions as to how the money would be spent. As Rep. Abner Mikva, D-Ill., said during the House debate on the tuition tax credit, "How can we set up such a double standard? Public schools would have to serve all students—the handicapped, the delinquent, the poor—and could only use federal money for such purposes. But private schools don't have to enroll any of these students, and they would get federal aid to spend however they chose. How long could we get away with that?" Not very long, apparently. Because soon after, the powerful lobby put together by public schools groups—notably NEA and AFT—managed to defeat the tax credit idea in the 95th Congress.

But if its supporters weren't able to enact a tax credit for parents of private school children, they did have an impact. The Carter Administration came up with a $1.4 billion plan to aid college students from middle-income families, hoping this would defuse a lot of the support for tax credits. Under the plan, which passed in the last hours of the 95th Congress, college students from families with up to a $25,000 per year income would be eligible for direct federal grants to offset their tuition costs. The tax credit bill also generated a short-lived amendment by Sen. Pell which would have authorized $500 million a year in aid to private schools. This provision appeared with practically no fanfare or discussion in the Senate committee version of the ESEA bill, and disappeared just as quickly when it came up for a vote on the Senate floor.

The ESEA bill does, however, restate and strengthen the requirement to serve poor children in private schools. Based on the number of eligible children attending private schools in the area, the local Title I program "shall make provisions for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile education services and equipment) in which such children can participate. Expenditures for educational services and arrangements . . . for educationally deprived children in private schools shall be equal (taking into account the number of children to be served and the special educational needs of such children) to expenditures for children enrolled in the public schools." The existing law had required services for private school children, but never stated that they be equal to those for public school children. And they weren't. The NIE study found that less than 4% of private school children living in Title I areas got Title I aid. And only 43% of Title I districts provided any services for the eligible private school children in their areas. Further, while public school children averaged 5.5 hours a week of extra instruction through Title I, private school children got only one extra hour per week, on the average.

For states like Missouri with stringent laws separating church and state, USOE "shall waive the (previous) requirement" and make separate arrangements to service private school children, the new law says. Also, if a local agency has "substantially failed" to serve private school children on an "equitable basis," USOE may make arrangements for a similar "by-pass" locally (Sec. 130). The state or local education agency must have at least 45 days to come up with a suitable plan before the federal funds are cut off, and it may appeal the decision to a federal court of appeals. But the decision of the U.S. Commissioner of Education, "if supported by substantial evidence, shall be conclusive." Congress added similar clauses throughout the 1978 amendments.

The Title I revision contains a series of other minor changes in the law. They include:

✓ **Noninstructional duties.** Teacher aides and other aides hired with Title I funds may be assigned general, noninstructional duties just like their peers. For example, they may watch over the lunchroom (Sec. 134). Previously, some school officials had not given Title I teachers such assignments for fear they would be accused of using Title I money for general, rather than supplemental, education. The new law should relieve that anxiety, although it adds that these general duties should consume no more than 10% of a teacher's time. (The National Assn. of Elementary School Principals had pushed hard for this change.)

✓ **Individualized education plan.** Congress continues "to encourage, whenever feasible, the development . . . of an individualized education plan (maintained and periodically evaluated) for Title I children" (Sec. 129). It should be agreed upon by teachers, parents and school officials. But the law does not require the plan and does not say it should be in writing, as does the Education for All Handicapped Children Act—PL 94-142.

✓ **Sustaining gains.** A school district must give "due consideration" to summer school programs or "secondary level programs" to sustain the achievement gains made by students during the school year. Several Title I evaluations concluded that compensatory education did help children gain more during the nine-month school year, but that over the summer the children forgot much of what they had learned. That has sparked one of the key debates over comp ed research. Should researchers test from September to May, or from September to September? If analyzed from September to September, compensatory education seemed to have little impact. From this came the phrase "summer bridge programs"—another idea pushed by HEW Secy. Califano. Again, the new provision doesn't mandate summer programs; it only encourages them. The local evaluations, which are required, must, however, include "objective measurements of educational achievement in basic skills over at least a 12-month period, in order to determine whether regular school year programs have sustained effects over the summer."

Planning. Teachers, school boards and parents must be consulted in planning Title I projects. Parents must be informed about their child's educational program and kept abreast of his/her progress. School officials must also allow parents to "make recommendations . . . about instructional goals." Citing both research and popular opinion, Califano contended that Title I programs must get parents more involved in their child's school work if the students were to make progress. This provision is a start. The committees rejected Califano's suggestion to use funds to distribute textbooks to parents, but only did so because of the belief that the "specific means of involving parents should be left up to the local district." If a district chooses, it may send home instructional materials for parents to use to work with their child. In these several sections of the bill, it is clear that the congressional committees have several goals in mind—such as increased parental involvement. But they have shied away from adding the rigid, mandatory requirements that have caused so much controversy in PL 94-142, the Education for All Handicapped Children Act. It should be noted that PL 94-142 was written by different subcommittees—the House subcommittee on select education under Rep. John Brademas, and the Senate subcommittee on the handicapped under Sen. Jennings Randolph.

Parent advisory councils. The new law is quite specific about parental advisory councils, however. Sen. Kennedy especially insisted on strengthening the local councils and commented that they worked well in the Boston area. Parental involvement in running local Title I programs was also a top concern of his brother, the late Sen. Robert Kennedy, who was an original sponsor of ESEA. The local council must be elected by parents and must have a majority of members whose children are in Title I classes. The requirement for a local council is only waived when the district has less than 40 Title I students and one full-time instructor. Title I teachers are eligible to serve on the councils, even if they live outside the district. District officials may not select council members or place further restrictions on membership. Parent advisory activities are now the largest single expense under "auxiliary services" in Title I. But some have questioned whether it pays for anything more than "token involvement." To teach council members the intricacies of the Title I law and about excellent compensatory education programs, the new law also authorizes federally-funded workshops for local council members. The National Advisory Council on the Education of Disadvantaged Children is continued.

Construction. Title I funds may be used for construction of school facilities as long as the construction project "is not inconsistent with overall state plans" for school facilities (Sec. 124-N). The facilities must, of course, be accessible to the handicapped. And as long as you're spending our money, Congress added, give "due consideration . . . to excellence of architecture and design and the inclusion of works of art."

State-operated programs. The other state-operated programs funded by Title I include aid for handicapped, migrant and delinquent children. These have been continued with few changes. The so-called "89-313 Program" (for the number of its original law) provides $121 million a year through Title I to serve about 224,000 severely handicapped children who live in state homes. The House committee considered moving this program out of Title I and into the Bureau of Education for the Handicapped, where it would seem logically to fit. But heeding the advice of advocacy groups for the handicapped, the committee decided against this because the appropriation under PL 94-142 is already short of what is needed and couldn't take care of another 224,000 children. Another $29 million is allocated from Title I to support about 27,000 neglected and delinquent children in state homes. Most of the money pays for academic instruction, vocational education or counseling. Other state-operated programs used about $145 million in Title I money in 1978 to serve nearly 300,000 children of migrant workers. The only change in the existing law was to reduce the "hold harmless" clause to 85% for the migrant and the neglected and delinquent programs. Before, states were guaranteed 100% of their 1974 payments, but the committees were told that the migrant population, not surprisingly, was shifting among the states, so a lesser guarantee of funding could be justified.

High schools. Title I is predominantly an elementary school program. About 20% of public elementary school children participate in Title I compensatory education programs, as compared to only 1% of high school students. But the law does not require this.

Instead, common sense has suggested that the most effort should be directed at the youngest children. Besides Title I, there are also the Head Start and Follow Through programs providing comp ed for very young children. But in this case, as in many others, common sense may sometimes be wrong. The National Assn. of Secondary School Principals testified in favor of transferring more of the money for remedial education to junior and senior high schools because it is there that students are falling behind academically. HEW Secy. Califano made the same point in several speeches. For years, standardized test scores for young children—up to grade four— have been gradually rising, while at the same time scores for high school students were plummeting. The decline in test scores has convinced the public—and many politicians—that there should be a renewed effort to teach the basics in the elementary grades. But Congress faced a tough political problem even if it wanted more money to be spent in the upper grades. To do so would mean taking money away from the lower grades, and no one advocated this. No amendments were finally adopted. But the Senate and House reports note: "The committee wishes to reemphasize that Title I is not solely a program for elementary school children. It is expected that the Commissioner will clearly indicate in regulations that the federal government is neutral with respect to the focus of Title I programs." The reports also direct USOE to come up with "legal models" in its policy manual to show how they can fund high school remedial programs under Title I without running afoul of the auditors.

Services besides education. Title I is designed to fund programs to meet the "special education needs" of poor children. This means "primarily instruction in the basic skills, but may in some cases also be related to health, nutrition, social or other services," the House committee report says. But Congress wants school districts to move away from this kind of spending. When Title I began as part of the "War on Poverty," Congress wanted the money used to benefit poor children; if health and nutrition were considered to be the greatest needs, then the funds were to be spent in those areas. Since then, a whole host of federal and state programs have been initiated to provide poor children with health and nutritional services. The 1978 education amendments stress basic skills instruction in Title I and urge school officials to turn to these other programs to pay for health care and food. The House committee is well aware of the other social programs because, in most cases, it wrote them into law. Title I projects are often "poorly coordi-

TABLE 1.—TITLE I ALLOCATIONS FOR FISCAL YEARS 1977 AND 1978[1]

[in millions of dollars]

	1977	1978
Title I—Pt. A:		
LEA grants:		
50 States and District of Columbia	1,653.5	1,851.5
Puerto Rico	46.8	53.0
Outlying areas	3.2	(2)
Grants to State agency education programs:		
For handicapped children	111.4	121.0
For migrant children	130.9	145.8
For children in institutions for the delinquent	19.0	19.5
For children in adult correctional institutions	7.8	8.3
For children in institutions for the neglected	2.0	2.0
Grants to the Bureau of Indian Affairs	17.6	(2)
Grants to SEA's for administration of title	21.2	23.4
Subtotal, pt. A[3]	2,013.5	2,247.3
Title I—Pt. B:		
Special incentive grants to LEA's	24.5	24.5
Special grants to SEA's for administration of pt. B	.2	.2
Subtotal, pt. B[3]	24.8	24.8
Other:		
Evaluation and studies	11.5	12.3
Adjustments and undistributed funds	.2	.7
Subtotal, other	11.7	13.0
Total[3]	2,050.0	2,285.0

[1] The funds allocated in title I are appropriated in the budget for the prior fiscal year.

[2] An allocation of $22.3 million will be shared by BIA and outlying LEA's when the appropriate division has been determined.

[3] Figures do not balance because of rounding.

nated" with these other social programs, and as a result pays for services that could be provided elsewhere, the reports say. The new law says that before Title I money can be spent on "health, social and nutritional services," the district must first ask the state to help it check other sources for possible funding.

Chapter 2

The Basic Skills Act

If you asked the "average" man on the street, "What is the biggest problem in education today?," chances are he would reply that children don't seem to be learning the basics anymore. Prior to 1978, the average score on College Entrance Examination Board tests had declined for 12 years in succession. From this fact, many people concluded that children were no longer learning "the basics" of reading, writing and mathematics. Actually, standardized test scores for young children, up to grade four, have generally been rising. Still, accurate or not, the public perception is that young children are "seriously deficient" in the basic skills.

Rather than a "do-nothing" Congress, as President Harry S. Truman used to call it, recent Congresses have been "do-somethings." If there is a perceived national problem, Congress is almost certain to do something about it. So it is no surprise that a Basic Skills Act should emerge from Congress in 1978.

Credit for the original idea should go to the Carter Administration, and perhaps to the President himself. "The President is deeply concerned about the basic skills achievement of our school children," HEW Secy. Joseph Califano Jr. commented during the White House briefing on the education message to Congress. "Every time we discussed the education bill, he raised this issue." The goals of what the Administration grandly called the "Basic Skills and Quality Education Act" survived intact in the final bill. They are:

- "to coordinate all available resources" for improving instruction in the basic skills;
- "to encourage states to develop comprehensive and systematic plans for improving achievement in the basic skills;
- "to develop means by which parents working with the schools can contribute" to improved learning;
- "to encourage the involvement of the private sector" in education;

- and "to expand the use of television and other technology" in the classroom.

The new Title II—"Basic Skills Improvement"—is only part of the story. Anyone familiar with public education in the past few years has heard the term "minimal competencies" more than they might care to. Rep. Ron Mottl, a two-term Democrat from the suburbs of Cleveland, wanted to bring minimal competencies to the federal level. He set as his other top priority a constitutional amendment against busing for desegregation. In 1977, Mottl introduced a bill to cut off federal funds to any state that did not have "acceptable" minimal standards for education. A national commission on quality education would devise such standards, under the bill. States that had their own could continue to use them. Those that didn't would have to adopt the federal standards. "The quality of education is going downhill, and kids aren't learning the basics," Mottl said. "This is one way to do something about it."

But after the first hearing on the bill—a session that featured Adm. Hyman Rickover lambasting the "educational establishment" and the "total failure" of schools to maintain standards—Mottl decided to tone down his bill. The reason was apparent. No other congressman would sign on as a cosponsor, and House Education and Labor Committee Chairman Carl Perkins didn't even show up for the hearing. Consequently, a second Mottl bill made the national competency standards optional and provided grants for remedial education. "I'm going to a carrot, rather than a stick, approach," he said. And in this approach, he was not alone. Senate education subcommittee Chairman Claiborne Pell had long favored a national test to measure trends in the quality of education, as he also believed it was clearly declining.

Federal Control?

Education groups were almost unanimously opposed to the idea of either national tests or federal education standards. The apparent decline in student achievement—while it is the number one education issue for the public and the press—is not often debated among education groups. Of course, neither does the medical profession often criticize the soaring cost of health care, nor lawyers debate the quality of legal services. Still, the crux of the opposition from education groups was not in the establishment of standards, but in **who** should set them. Mottl's bill clearly raised the specter of federal control of education. It has been the state and local governments that have legal responsibility for education, and the federal role, at least in theory, has been merely to aid states and school districts.

Pell felt the concerns about the homogenizing of the curriculum and about federal domination of education were overblown. As he noted, France has a national test for its high school students, but the French certainly remain independent-minded people. What probably convinced Pell finally to reject national education standards and national tests in 1978 was a testing conference held in March by HEW. During an address to about 300 education officials and test experts, Pell asked how many of them supported a national test. Only two raised their hands. During the Senate subcommittee markup of ESEA a few weeks later, Sen. S.I. Hayakawa, R-Calif., introduced a proposal for voluntary national standards similar to the Mottl bill. "I'm torn by this," Pell said. "I'm in sympathy with the idea . . . but it is one whose time hasn't come." This was tantamount to rejecting the proposal on the Senate side.

Meanwhile, Mottl retreated enough to find a proposal acceptable to the House committee, and later to the Senate committee. The version that was finally written into law would simply aid states that choose to carry out minimal competency programs. There will be no federal commission to set national standards and no demand that states adopt any. The new grant authority for "Educational Proficiency Standards" appears in Part B of the new Title IX—"Additional Programs." It says any state (or school district, in a state without a competency plan) may apply for a grant to carry out its educational proficiency program. The plan must contain:

1. "a description of the . . . standards for reading, writing, mathematics and any other subject" that is included;

2. "a description of the program designed to assist students" in achieving the standards;

3. a description of "examinations to students, at specified intervals or grade levels," if they are included, and

4. "assurances . . . that any student who fails any such examination shall be offered supplementary instruction."

The 'Proper' Federal Role

Both the House and Senate reports say that while the "alarming" drop in basic skills achievement is "of concern to the federal government, . . . its proper role in this area is a very limited one." This "new program of aid to states is to assist them in developing minimal competency standards. But the intention is clear: the federal government is not to specify certain minimum standards which states must use, nor is the federal government to require that certain tests must be used, nor is the receipt of federal aid to be conditioned on accepting minimum standards of competency. The federal role is merely one of providing financial assistance to states to encourage their own efforts in this area."

By the end, the legislation was so watered down that most education groups who had opposed it vigorously all along found they liked the final product. "We think it's totally innocuous, especially when you consider what they started with," said Steve Hallmark of the Assn. for Supervision and Curriculum Development (ASCD). Actually, the "education proficiency" program is a vague, open-ended grant program. The authorization, which also includes grants to states and districts to develop basic skills tests, is "such sums as necessary," the congressional wording for a blank check. The appropriation committees could spend $100 million for this program, or could spend $1. But the demand for aid could be great. The state legislature in Florida, for example, appropriated $26 million last year for remedial education for students who flunked that state's proficiency test. Under the new legislation, the federal government could be asked to pick up part, or all, of the tab.

The new "Basic Skills Improvement" section (Title II) is also vague and open-ended. The Administration proposal was quickly dropped in the House committee because, as one staff member said, "It was so vague, we couldn't figure out what it was." The basic skills, after all, are so broad that the new legislation seems to offer aid to any elementary education program. Apparently, developing a successful education project is like running a successful restaurant. A lot of restaurants are opened up, and most fail. The ones that make it have something special, whether it be the owner and his style, the chef and his cuisine, or the waiters and the atmosphere they create. But, as with education projects, this success can't necessarily be copied or "replicated" somewhere else.

Education groups have expressed different reactions to the "seed money" programs. Few organizations are willing to look a gift horse in the mouth. And some educators have testified before Congress that these programs give schools an opportunity to try new things they wouldn't otherwise be able to do. The education system would stagnate without this support, they suggested. On the other hand, Gordon Cawelti, executive director of ASCD, testified that federal policies were having the effect of creating a "patchwork curriculum." Each year, the federal government seems to come up with a new kind of education for schools

Does Money Make The Difference?

It is also interesting to note that Title II, which replaces the Right To Read program, along with the "Special Projects" program that follows, attempts to use federal funds to change or "reform" the schools by focusing on a particular problem. For example, "demonstration projects" in career education are the federal government's attempt to get more schools to establish career ed programs. But several evaluations of Right To Read found it to be a grab bag of "innovative" projects that had little lasting impact on students' reading. The U.S. General Accounting Office found that children participating in Right To Read programs did no better than their peers who didn't participate. A five-year study of the entire range of federal education projects seeking change or innovation was released last summer and concluded the programs have failed. "The net return to the federal investment was the adoption of many innovations, the successful implementation of a few, and the long-run continuation of still fewer," the Rand Corp. said in its final report, *Federal Programs Supporting Education Change—Vol. III*. The funds supported a short-lived burst of activity that ended as soon as the federal money ended, the report said.

The Rand Corp. study shot down just about every premise upon which such federal aid is based. For example, "more money does not make a difference," the study concluded, because it doesn't "purchase the things that matter . . . more committed teachers, more effective project directors and more concerned principals." Also, there is no particular strategy, teaching method or technology that works best everywhere. Many federal aid programs support "model" or "demonstration" projects whose light is supposed to shine on others. But apparently the others don't pay attention. "We tried to determine whether there was a significant relationship between the type of education method used in about 300 innovation projects . . . and several measures of project outcome. We found none," the Rand report said. "In other words, the adoption of any particular type of educational method did not consistently lead to better outcomes from district to district, even though these methods had been previously tested and developed elsewhere."

The Rand study also criticized the notion that "targeting" money on a specific problem is the best way to improve education. The opposite may be true, the study found. "Targeted" projects, even if successful, tend to be narrow and confined to a few students. As a result, they do not really "change" or "reform" an education program. While the Rand study concludes that most such projects do not have a long-term impact on schools, the study itself apparently did not even have a shortrange impact on Congress. The existing "innovation" or "demonstration" programs were reauthorized with few changes, except to expand their number. Perhaps again, as with restaurants, the high rate of failure doesn't mean you should give up. It just means you should try harder.

to incorporate into their curriculum—career education, environmental education, nutrition education and so on, he said. But all that the money is doing is funding a few little projects around the country which have no real impact on the curriculum of the nation's schools, Cawelti said.

New Section; Old Fears

Surprisingly, the new Basic Skills section has been seen by some groups as anything **but** a harmless extension of the Right To Read program. Many of the fears aroused by the original Mottl bill seem to have been transferred to the new Basic Skills program. What was expected to be a rather quiet conference on basic skills in Washington, D.C., in December turned out to be a tumultuous gathering of representatives from NEA and other education groups to air their opinions—and fears—about the new law. Basic skills is not like population education or the arts—a separate piece of the curriculum to be talked about or to support. Basic skills **is** education. For this reason, teachers were saying "federal control of basic skills"—a phrase that came up repeatedly—is really "federal control of education." But AFT representatives saw nothing to be "paranoid" about in the new section, and USOE Deputy Comr. John Ellis said his office had no intention of "dictating standards" for teaching basic skills.

Rather than going into what everyone thinks this new section could mean, it's probably more useful to quote from it at length. The purpose of the program is, first, to "assist federal, state and local education agencies to coordinate the utilization of all available resources for elementary and secondary education to improve instruction so that all children are able to master the basic skills of reading, mathematics and effective communication, both oral and written." This is vague, a point that concerns the teachers, i.e., "Coordinate what?" The other big concern is the few words that were added to the definition of basic skills—"effective communication, both written and oral." Schools teach reading and math, and have tests to measure whether students are learning them. But how do you measure "effective communication," especially "oral communication?" The other listed purposes are to help states "develop comprehensive and systematic plans for improving achievement in basic skills;" to provide funding to states and school districts "for the development of programs in the basic skills;" to involve parents in the education of their children; to encourage the "involvement of the private sector in the delivery" of education, and to "expand the use of television and other technology" in education. States and school districts must apply to the HEW secretary for grants under this section, and they must specify that they will provide equal programs, "to the maximum extent feasible," for eligible children in private schools, will "evaluate the effectiveness" of their basic skills effort, and will "incorporate successful practices" into their regular education programs.

How can school districts use the money? The law says grants may be used for:

- "the assessment of schoolwide needs to identify the instructional needs of children in basic skills;"
- "establishing learning goals and objectives for each school;"
- the "development of comprehensive programs . . . which use the resources available under . . . other local, state and federal programs;"
- "coordinating the efforts of local agencies, organizations and institutions" to improve school achievement;
- "preservice training programs" for teachers,
- and the "active involvement of teachers, aides, administrators" and others in improving "their ability to utilize available resources."

Other Congressional Guidelines

Under the category of parent involvement, the law says grants may support "the development and dissemination of materials" that parents could use in their homes to work with their children and for "voluntary training" for parents to help them tutor their child. Also authorized are grants to private agencies, including "labor unions, volunteer organizations and business associations," to "stimulate children . . . to improve their achievement in basic skills."

This could mean programs to encourage reading, tutoring children outside of school and distributing books to children. The law also notes that the former "reading academies" funded under the Right To Read program could be continued under this new section.

The law is quite detailed in saying what a state must do in setting up its basic skills program. Several state superintendents have told USOE officials that, like with PL 94-142, the small amount of money received may not be worth the extra headache it causes. For example, a state education agency must agree to "provide for a process of active and continuing consultation with the state educational agency, by persons broadly representative of the educational resources of the state and of the general public, including persons representative of (a) public and private nonprofit elementary and secondary school children, (b) institutions of higher education, (c) parents of elementary and secondary school children, (d) areas of professional competence relating to basic skills instruction in reading and mathematics, (e) classroom teachers in the state, and (f) local administrators including principals and superintendents to advise the state educational agency on the planning, development, implementation and evaluation of a comprehensive state program for improving basic skills."

And this isn't all. The same section of the law goes on to require a description of the basic skills programs in schools throughout the state; assurances that the programs give an "equitable distribution" of money to private schools; an account of the "coordination and evaluation" of these programs with other federally funded efforts, such as Title I; and an agreement that the state will report to the federal government every three years on the success of the total state effort. At least 70% of the money going to states must be passed on to school districts, according to the bill.

The requirements that apply to school districts are equally detailed. For example, an application "shall be developed in conjunction with teachers and building administrators in each district." It must contain "a systematic strategy for improving basic skills instruction . . . and provide for the planning and implementation of comprehensive basic skills instructional programs at the school building level." The program in each school "shall address the needs of all students and shall utilize, in a coordinated fashion, resources available from all federal, state and local sources." Also, the bill states, "Teachers, administrators and parents shall be involved in the development of the comprehensive school level programs." These shall include:

- **diagnostic assessment** to identify the needs of all of the children in the school;

- **the establishment of learning goals and objectives for the school;**

- to the extent practicable, **preservice training and inservice training and development programs** for teachers, administrators and aides;

- **"activities designed to enlist the support of parents . . .;"**

- **"procedures for the evaluation of the effectiveness of the program,** including a program of periodic testing of basic skills achievement and the publication of test results on basic skills performance by grade level and by school, without identification of performance of individual children;

- and **assessment, evaluation and collection of information on individual children** by teachers during each year of a pre-elementary program, to be made available for teachers in the subsequent year, in order that continuity for the individual child not be lost."

The Basic Skills law also authorizes a separate "state leadership" program. Under this section, states may use the funds to put together a "comprehensive statewide program for the coordination of all federal and state programs" in education; to support "activities . . . and strategies" to involve parents, teachers and administrators; to carry on a "statewide assessment of need relating to basic skills;" and to "fund inservice training programs for local administrators and instructional personnel." (This bill marks one of the few times that federal money can be used for training programs for administrators. Usually the money is reserved for training teachers.)

Finally, the new Basic Skills section allows the federal government to continue its support for "Reading Is Fundamental" (RIF), a program that distributes free books to poor children. This effort has been highly acclaimed as a means of encouraging young children to read. In its early years, most of its support came from private foundations and gifts, but the federal Right To Read program, begun in 1974, was authorized to "contract" with RIF and to help pay part of its costs. The authorization is now $5 million per year, and the federal government will pay up to 75% of the cost of the program.

Chapter 3

Special Projects

The Special Projects section of the ESEA legislation, as the name implies, funds projects in areas that Congress deems to be "special." The intent, as in Title II, is to sprinkle around enough federal money to interest schools in incorporating a certain subject into their curriculum.

The origin of the special areas also illustrates the congressional process at work. A "problem" is identified, usually by getting attention in the media. The United States is the only major industrialized nation to not adopt the metric system of measurement (i.e., metric education). Our health is not what we would like it to be (i.e., health education). The environment stinks, literally (i.e., environment education). The American people drink and smoke too much and eat too much junk food (alcohol and drug abuse education, and nutrition education). Once a problem is identified, a congressional subcommittee takes testimony on its seriousness. Usually, the suggested remedy is education. A representative or senator steps forward with a bill that will "do something" about the problem. How can their committees say "no" to an attempt to solve a serious national problem? Thus, another categorical program is born.

Another rule to remember here is that the number of new programs is always the cumulative number of the programs that are proposed. If a Senate committee authorizes three new programs and a House committee authorizes another three, the actual number of new programs written into law will be six. Still, the Special Projects section is reserved for minor league problems—ones that are important, but not enough to justify spending hundreds of millions of dollars in federal money. Programs can get "promoted" out of the Special Projects section and receive their own separate title in a new law. As in major leagues, this means more status and more money. This year, four programs got promoted. Career education got its own law—the Career Education Incentive Act of 1977. But while the $325 million five-year authorization passed Congress overwhelmingly, the same Congress voted only

$32 million for the program this year. The expanded program has yet to really get off the drawing board. Other programs getting promoted to separate titles within ESEA were education for the gifted and talented (new Title IX-A), the Women's Educational Equity program (Title IX-C) and community schools (Title VIII).

But even the small programs, once established, develop an interest group behind them which jealously guards the program's autonomy. This phenomenon reached an amusing extreme when U.S. Comr. of Education Ernest Boyer, still new to the ways of Washington, was asked what program ranked 108th of USOE's 108 programs when its "zero-based budget" was made up. He replied, half joking, that it was "metric education." His reply was quoted in several education publications, and for Boyer it quickly became a bad joke. In his two years as commissioner, Boyer has said nothing else that drew as much reaction. After being deluged with complaints about his offhand comment, Boyer was forced to issue a statement saying that, yes, metric education was important, that he placed a high priority on it, and that he would never again denigrate such a vital national effort.

The stated goal of several "special projects" is to develop "awareness" of an issue or problem, but apparently this awareness is never fully achieved. None of the programs have been phased out for succeeding in this respect. During House hearings on the Special Projects Act, Education and Labor Committee Chairman Carl Perkins asked if all the little programs were worthwhile, or if all the money was eaten up in proposal writing, administration and paperwork? The directors of each of the USOE programs testified, and, to no one's surprise, each said his or her program was vital, was having an important impact on schools and, if it was to remain effective, must remain autonomous. Perkins suggested that he thought consolidation made more sense, but his idea was dropped for lack of a second. Senate education subcommittee chairman Claiborne Pell, in discussing consolidation during the Senate subcommittee markup of ESEA, said most senators wanted to hold tight on the strings because each program was important. Pell then commented that he would be willing to see the programs consolidated, but only if he could guarantee that each would get a specific amount of funding.

The 1978 ESEA amendments continue four programs and create seven new ones in the special projects area. Also, USOE is given somewhat more flexibility in picking and choosing the exact funding for several programs. The new Title III begins with a broad authorization for the commissioner to fund large and small projects of his choosing. This "discretionary fund" is to be used for "innovative or experimental projects to assist in the development or demonstration of methods, techniques, or practices which contribute to the solution of education problems'' (Sec. 303). The small grants, up to $25,000, may go to teachers, administrators or other educational personnel for the same sort of problem-solving projects. The commissioner is encouraged to devote special attention to energy conservation by funding curriculum development and training for teachers in energy saving. Up to 10% of the money appropriated for special projects may be spent on this section of discretionary projects.

Two important clauses apply to the entire title. Grant applicants must take into account ''the needs of children in nonprofit private'' schools ''through consultation with private school officials, and to the maximum extent feasible . . . provide an opportunity'' for these children to participate in the project. Also, the law reauthorizes all the existing programs in fiscal 1979, but the new ones don't begin until fiscal 1980.

The Four Continued Programs

The first of the continued programs is **metric education** (Sec. 311). Grant are authorized for 1) ''the development, demonstration, improvement or adaptation of programs of education'' in metrics; 2) ''training of educational personnel,'' 3) ''the development or dissemination of instructional materials;''4) or ''other activities that will encourage'' metric education. In fiscal 1979, metric education received an appropriation of $1.84 million, most of which will be spent on teacher training projects. The new law authorizes metric ed at $20 million a year.

Also authorized at $20 million a year is **arts education.** The law calls the arts ''an essential and vital component of every student's education'' and says grants should be used to make the arts an ''integral part of the elementary and secondary school curricula.'' Needless to say, the arts in education have enormous support, including that of Joan Mondale, wife of the vice president. Pell is also an advocate of support for the arts. It is no accident his subcommittee is named the Senate subcommittee on education, arts and humanities. Arts education would probably have already reached the big leagues were it not for the fact that there is already another giant federal program in the field—the National Endowment for the Arts. The current appropriation for arts education is $3 million. Many of the grants go to theater groups, libraries, museums and the like. It would be unseemly for Congress to say federal money must go to a particular group, so the committees fell back on the next best thing. The law tells USOE it ''may'' make a grant to the John F. Kennedy Center for the Performing Arts in Washington, D.C., and to the National Committee, Arts for the Handicapped.

Consumer education is also extended under the bill because "with the dollar buying less and less, . . . the consumer needs useful information in order to make wise economic choices" (Sec. 331). In 1979, the consumer ed program got $3.6 million, with many of the grants going to nonprofit groups to develop brochures, pamphlets, filmstrips, etc., to educate the consumer. Quite a few of the projects were directed at a particular group—Hispanics, Indians and Vietnamese refugees, for example. Authorized activities are curriculum development, dissemination, teacher training and support for consumer ed programs in elementary and secondary schools. The Senate committee report notes that consumer ed should be defined broadly, and says such examples include projects on the legal rights of individuals as consumers and on the nutritional value of food sources. The new law says at least $5 million of the Commissioner's discretionary fund will go to consumer education.

The **environmental education** program is continued with few changes, except that the committee report encourages more projects on the importance of energy conservation to the environment. An outgrowth of the environmental movement of the early 1970s, the program funds projects on pollution, population, energy, technology, transportation and urban and rural planning. As with other programs, grants may support curriculum development, dissemination, teacher training and model programs. In the first year of the project, the federal share of the cost may be 80%, the second year, 60%, and the third 40%. Also authorized are "special grants" of up to $10,000 to nonprofit citizen groups for "demonstrating innovative approaches to environmental education." In fiscal 1979, environmental ed got $3.5 million. The new authorizations are $5 million in fiscal 1979, $7 million in 1980, $9 million in 1981, $11 million in 1982, and $13 million in 1983. Of this, $500,000 is reserved for the small "special grants."

Preschool Partnership

Since the inception of ESEA in the mid 1960s, the prime target for federal aid has been low-income young children. It was hoped then that extra instruction, or "compensatory" education, could make up for the "disadvantage" of being poor. This extra boost at the beginning, supporters said, might keep these children from falling behind their peers in school. Most of the Title I money appropriated through the years has been spent in the first several grades. Head Start, also begun during the "War on Poverty," was intended to serve poor children before they reached school age, and to give them what it's name implied. The "Follow Through" program, begun in 1968, worked with a smaller group of students in the first three grades. But none of the programs have worked out as planned. Despite the best efforts, evaluations have regularly shown that "poor" students are still doing poorly, and that compensatory education doesn't compensate much.

Head Start in particular has developed an avid following among poor parents because it is a total education program. Parents are involved with their children and many educators and researchers believe this is the key to a child's success in school. With this in mind, the House committee created a new **"Preschool Partnership Program"** to "provide a smoother and more successful transition to formal schooling" for Head Start students. Although the intent is couched in the usual legalistic language, the committee wants to see if some of the warmth and spirit of Head Start programs can be transferred to regular elementary schools. Two main types of grants are authorized (Sec. 325). Working with a "limited number of children aged three to four from low-income families," along with their parents, the grants will provide "educational services, including instruction, counseling and testing to be conducted primarily in the child's home." The next year, the same group of children and adults will get the same services, but this time at an elementary school. USOE will evaluate the impact of these "pilot projects." It also may fund separate projects of home-based education and projects to educate parents, including high school students, about child development. At least 10% of the Commissioner's discretionary fund must be spent on this program of "preschool partnerships."

Youth Employment

Like education for young children from poor families, the unemployment of young people long ago hit the big time of national problems. One of the Carter Administration's first legislative victories was the enactment of a massive youth employment program that was added to the Comprehensive Employment and Training Act (CETA). The new program was not narrow in its scope, but instead created so many new grant authorities that even U.S. Dept. of Labor officials have difficulty describing them all. A new Youth Conservation Corps employs young people to clean up our national parks. The revived Job Corps gives poor young men and women a comprehensive program of job training. A series of "pilot" and "demonstration" projects will see if business, local governments and schools working together can train young people and put them to work. All these programs were recently reauthorized in the CETA amendments of 1978.

Of course, these are not the only federal programs to help train young people. The federal government is spending more than $600 million a year on vocational education, an amount that must be matched by the states. Since the early 1970s, career education has come to many schools, with a boost from federal funds. And the multi-billion dollar higher education programs help pay for millions of young people to enroll in vocational, technical and community colleges. But, like compensatory education for young children, no one really believes this multitude of federal programs has achieved its goal. Young people aged 16 to 24 are out of school and out of work in what seem to be record numbers. The problem is especially severe among minority youth in the big cities. Also, it should be noted that many educators will admit that the nation's school system has never done a satisfactory job of preparing young people to leave school and move quickly into well paying, satisfying work.

So the Senate committee, taking an Administration idea, authorized a new "youth employment" program under the Special Projects Section. How is this small program to be different from the giant program in the U.S. Dept. of Labor, or from voc ed and career ed? The committee reports don't really say. The law merely says the purpose of the program "shall be to prepare children to take their places as working members of society." Grants are authorized to (1) "study the relationship of work to academic and intellectual achievement;" (2) "develop ways to improve achievement in basic educational skills through work experience;" (3) "enhance job opportunities for youths by coordinating education activities with youth employment activities;" (4) "encourage educational agencies and institutions to develop means to award academic credit for competencies derived from work experience" (a program that is specifically a part of the labor department's program), and (5) to "provide technical assistance, information, training and other assistance to eligible entities to develop programs to enable students more readily to make the transition from school to work." This program is authorized at $7.5 million per year.

Law-Related Education

Next is law-related education, another creation of the Senate committee. The committee report cites a recent National Assessment of Educational Progress survey of social studies achievement among young people. It found that knowledge of government, politics and the legal system has declined since the early 1970s. In another, quite different, area, the committee report states that most people's understanding of "practical law" is limited. For example, do you know all you'd like to know about what the law says on housing, family disputes, consumer protection and so on? The new program is supposed to develop courses in law for non-lawyers.

Grants are authorized (Sec. 347) for (1) "awareness activities to provide educators, law-related personnel and the public with an understanding of what law-related education is;" (2) "support for new and ongoing programs" in schools to "provide law-related education, to develop materials and methods, to conduct pilot and demonstration projects, and to disseminate the products of these activities;" (3) "clearinghouse and technical assistance, to collect and provide information and assistance on existing experience and resources to institutions, groups, agencies, organizations and individuals to aid in establishing, improving and expanding law-related activities;" (4) "training educators and law-related personnel in the substance and practice of law-related education, including pre-service and in-service seminars, workshops, institutes and courses;" (5) "research and evaluation, to study and improve the effectiveness of materials and methods in law-related education;" (6) "involvement of law-related organizations, agencies and personnel such as lawyers, law schools, law students and law enforcement personnel, in the provision of law-related education activities; and (7) "youth internships for outside-the-classroom experience with the law and legal system." This program is authorized at $15 million per year.

Health Education

Part I of the Special Projects section begins with the statement, "Congress finds and declares that there is an increased concern for physical health and well-being." One can imagine a similar statement being written by the Roman Senate or the assembly in ancient Athens. But if there has always been great concern about health, there has been a striking change in thought during the past decade about the origin of illness as well as of good health. For most of this century, illness has been seen by the medical community and the public as the invasion of germs into the body. The prevention of illness was achieved through vaccinations, antibiotics and assorted over-the-counter aspirins, cold medicines and the like.

With many of the once contagious diseases all but done away with, the medical community is now concerned with "diseases of lifestyle." Heart attacks and cancer, the nation's two top killers, are not the result of invading germs, but, instead, may be man-made illnesses. Overeating, not exercising, smoking or breathing bad air, drinking polluted water, stress—these apparently contribute to the death rate. And unlike bacterial illnesses, heart attacks and cancer don't develop suddenly, but most often seem to build up over a lifetime. So it is the medical community, not education groups, that has been calling for better health education in the schools. Young people, they say, by learning to eat non-fatty foods and by avoiding artificial preservatives, by getting lots of exercise, by not smoking and by developing other good health habits can probably do more for their own health than all the doctors and hospitals put together.

What about health education in schools? Typically, it has not been a high priority. Often, health education means the gym teacher talking about personal hygiene. And, interestingly, good health has become a national fad which schools probably can't even keep up with, much less lead. From Boston to San Diego, joggers, bicyclists and health food stores have become national epidemics. But the new federal grant money is an attempt to get schools and the education system in the race. The authorization is short and to the point (Sec. 362). USOE is authorized "to make grants to state and local educational agencies to establish and support programs in health education." There is no requirement that they be "models," "pilots," "demonstrations" or that they be "replicable" elsewhere. It simply provides money to support programs. The authorization is $10 million per year.

Correction Education

Another special group in education is juvenile delinquents, young people who are probably identified too early and too often as "problems." The education system hasn't been very successful in handling juvenile delinquents, and most programs remove them from regular classes and/or schools—not necessarily for their own benefit, but for the benefit of their peers. The Senate committee report notes there has already been federal money spent in this area. The Juvenile Justice program in the U.S. Dept. of Justice spends $36.2 million a year for alternative programs, counseling and other services to youthful offenders. But the committee reports adds that none of the existing programs has designed "new and innovative techniques" for serving delinquent young people. The new law authorizes grants to school districts, colleges and nonprofit groups for "demonstration projects relating to academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youthful offenders and adult criminal offenders. This program is authorized at $5 million per year.

How To Find Out What Works

The next new authorization addresses a quite different kind of problem. The federal government has been funding all of these "model" and "demonstration" programs with the hope that the best ideas will be picked up elsewhere. These projects are also supposed to produce information on what works and what doesn't. But there is no system for getting this information out to others, or for helping others adapt these model projects to their school. USOE did make several stabs at dissemination in the past four years, notably with a program to "package" information on successful projects and with the National Diffusion Network (NDN). The information "packages" were actually brochures, pamphlets and such describing a successful project—how it got starts, what its goals were, what staffing it required, its costs, etc. The NDN is a more active dissemination system. State and regional education agencies receive grants to distribute information on the successful projects in their areas. Education "fairs" and workshops are held to display a variety of successful projects to interested educators. The project developers also get "demonstration grants" from NDN to put together information on their project, to invite others to visit their school and to travel elsewhere to help others adapt the idea. And, best of all, the NDN seems to be working. An evaluation by SRI International found that the NDN programs have interested thousands of educators in innovative projects, helped them select the ones best suited to their district, and helped them actually get the new programs underway. USOE got a good return on a small investment, SRI concluded.

To make sure that investment continues, the new law requires USOE to spend at least 5% of the Commissioner's discretionary fund to "collect, analyze and disseminate information derived" from federally funded projects. Dissemination had been allowed before, but never given a specific authorization (Sec. 376). Congress also urged USOE to give special attention to projects that have been successful in raising achievement in basic skills.

Biomedical Education

If there was one thing everyone learned from the *Bakke* case, it was that medical schools have a very low number of black and other minority students. The American Medical Assn. says minorities make up about 8% of the enrollment in medical schools—far below the percentage of minorities in the general population. At the same time, poor rural and urban areas, many of which are predominantly black, are also critically short of doctors. Rural areas average about one doctor for every 2,500 residents, compared to one for every 500 residents in metropolitan areas. At least part of the reason that minority areas have fewer doctors is simply that so few members of the medical profession come from a minority background.

The *Bakke* case concerned medical school admission policies, but even proponents of the U. of California-Davis plan would acknowledge that racial quotas are not the most desirable way to seeing that minorities get into medical school. Quotas or goals, whichever you prefer, are actually a last resort. A much more preferable system would be for minority students to be encouraged early to pursue a medical career and then to get the proper academic preparation in order to pass the entrance requirements.

The New York City school system has begun a Premedical Research and Education Program (PREP) to prepare promising minority students to enter medical school. The program exposes these students to the work in health care centers and gives them intensive after-school and summer instruction in the sciences. About half of the 300 graduates of PREP's first summer program eventually applied to medical school, and 77% were accepted—about double the rate for other minority students. Congress now proposed to make this a national program (Sec. 381).

The new "Biomedical Sciences" program will fund programs by colleges and universities to work with bright high school students from poor families. (Poverty is now defined as having an annual income that is less than half the national average.) Grants may be as much as $2,400 a year for "fully participating" students (which is defined as participating at least 100 hours a year in instruction, laboratory or field work). The projects are supposed to interest and motivate disadvantaged high school students through exposing them to careers in the biomedical sciences, and through "an intensive academic program in mathematics, the sciences, and English, study skill development, experience in laboratory and health care delivery settings, and frequent exposure to individuals trained, or receiving training, in the biomedical sciences."

To get a grant, most of which will run for five years, a college or university must have a program in the biomedical sciences leading to a doctoral or master's degree; must be located in an area with a "relatively high proportion of . . . economically disadvantaged students;" must work out a cooperative agreement with one or several high schools; and must have or have access to labs, libraries and research facilities. At least 100 students must be enrolled full-time in the projects, which are to run through the summer. The program is not limited to just prospective medical school students, but can include instruction "relevant to the study of human biology, chemistry, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy and public health."

In choosing colleges for grants, USOE is directed to look first to those establishing a new program and to those located in a "health manpower shortage area." Grants may cover all a university's costs in setting up and carrying out the project, and may pay the student's expenses during the summer, including a $30 a month stipend. This new program is authorized at $40 million per year.

Population Education

Finally, a refresher course in Malthus. Ever since Thomas Malthus in the 18th Century theorized that the world's population would inevitably grow faster than its food supply, the subject of overpopulation has fueled many a discussion. But, interestingly, as with education about good health, the lesson of overpopulation has apparently been learned without the help of the schools. The country's fertility rate is at its lowest point ever. In authorizing a new grant program in "population education," the Senate committee noted with despair a fact that should be a sign for cheer—"There has been far more population education activity in the developing world than in the United States." The other justification cited by the committee report is a survey of 13- to 17-year-olds who called overpopulation the second most important problem in our cities. (Incidentally, this is the same group that was described a few pages earlier as being deficient in the basic skills and as being "functionally illiterate in record numbers.")

Population education, according to the Senate committee, "means the educational process which assists individuals to (1) understand demographic trends and the probable causes of population change; (2) learn the consequences for themselves, their communities, the nation and the world; (3) define for themselves the nature of the problems related to population processes; and (4) assess the means by which society as a whole, and they as individuals, may be able to respond to and influence population trends to enhance the quality of life. In short, population education sensitizes individuals to population conditions, the problems which population changes may magnify, and the possible solutions to these problems. Key concepts include fertility, mortality, migration and age distribution." (Lest one read into this something that was not intended, the committee adds bluntly, "Population education is not sex education.")

Grants under this section may support (1) preservice or inservice training for teachers; (2) the development or dissemination of curriculum materials for teachers or students; (3) research and evaluation of new or existing curriculum materials; and (4) courses in population education in elementary and secondary schools. Also authorized is a $500,000 a year clearinghouse in population ed, to be run by the National Institute of Education. The entire program in population education is to receive at least 10% of the Commissioner's discretionary fund.

Chapter 4.

Educational Improvement, Resources and Support

Of all the programs in ESEA, Title IV is the most amorphous. Even the U.S. Office of Education (USOE) doesn't know how much money is spent for what. The origins of Title IV are varied as well. The old National Defense Education Act (NDEA) authorized federal funds to build up instructional programs in science and related fields. The ESEA of 1965 included separate funding authorizations to help schools purchase library books and other instructional materials, for guidance and counseling, for strengthening state departments of education, for improving school services in health and nutrition for poor children, for preventing dropouts and for innovation.

In 1974, all of these were consolidated into Title IV. Part B got the library resources and guidance programs; Part C got the rest. The fiscal 1978 appropriation for Part B was $167.6 million. For Part C, it was $197.4 million. The money is distributed to states based on their numbers of school-age children. For example, if California and New York each had roughly 9% of the nation's school-age population, they would each get about 9% of the Title IV appropriation. At the state level, the money in Parts B and C is handled somewhat differently. Part B funds are essentially distributed to school districts based on their student enrollment, except that the states are supposed to see that poor, or "high cost," areas get more funds. Part C funds are distributed to school districts based on competitive applications.

The entire Title IV program is well-liked by most educators. It is both flexible and dependable. School districts know they can count on receiving a certain amount of money each year under Part B, and they have a great deal of discretion in how it is spent. In 1976, USOE estimated that 54% of Title IV money was spent for library books, textbooks and the like; 34% went for equipment and minor remodeling; and 12% was spent for guidance, counseling and testing. The percentage spent for guidance and counseling has inched upward since then, USOE added. Innovative projects funded under Part C covered the whole spectrum of education.

In one survey of 27 states, USOE found that the types of projects most often funded were, in order, basic skills, art/music, career education, environmental education, science, social studies, nutrition/health and physical education. The "target populations" for the funded projects were the handicapped, gifted and talented, preschoolers, potential dropouts and bilingual students. Title IV-C money supported a host of other miscellaneous projects too numerous for USOE to catalogue, including staff development, "human relations," guidance and counseling, "parent education" and community education. It also supported "supplementary education centers," which provided funds for educational TV projects, computer-assisted instruction, alternative schools and individualized instruction.

The Visible Impact of the Funds

It may be hard to measure the impact of most federal aid to education programs, but Title IV's Part B is comforting in this respect. You can see its impact. Walk into an elementary school and look at its library (or, if you don't want to feel dated, its "media resource center"). Chances are, much of what you're looking at came from Part B money. In 1965, before ESEA went into effect, about 70% of the nation's elementary schools had no library, or media center, according to the Assn. of Media Producers. And many poor schools were short of textbooks. A decade later, the percentage of schools without such libraries had dropped to 20%, and most were well-stocked with current books.

Title IV's Part C is another matter. How do schools get better? How can they innovate like businesses do? Members of Congress and educators have come up with lots of answers to those questions—none of which has proven entirely satisfactory. In 1972, Congress created the National Institute of Education (NIE) to bring about the "reform and renewal" of American education through research and development. Even NIE's most ardent admirer would agree that nothing like that has happened. The purpose of Title IV-C, written in the law, is "to strengthen the quality of . . . schools through the support of locally initiated projects designed to improve educational practices." Title IV-C is based on the belief that the best way to improve the schools and their instructional programs is to give them some "free money," as it is often called, to spend as they think best, and Part C gives them a great deal of discretion in spending the money.

It has also been generally assumed that especially good projects that were begun with federal money would spread to other schools both in the area and around the country. Neither assumption has been proven correct. Title IV-C money has allowed schools to carry out some innovative projects that they would otherwise not have been able to do, said Paul Berman of the Rand Corp. in his House testimony on the study of Title IV-C projects. But he added that the projects, whatever they were, did not seem to bring about any apparent improvement in instruction, did not generally last beyond the period of federal funding and did not often spread to other districts. "The record of the way school districts used the federal grants is spotty," Berman told the subcommittee. "Many projects were started simply for the purpose of receiving federal largesse and, as far as we could tell, without any real intention to deal with central—or even not so central—local problems. The result of this behavior, which we call opportunism, was predictable: opportunistic projects were poorly implemented and disappeared with the last federal check."

Neither the House nor the Senate education committees seriously debated this problem, at least not in open session. To take the point of view of the Congress, it has tried to give some "free money" to school districts for them to use to tackle important problems. But Congress cannot run such local projects. Those who run the education committees are optimists, and, presumably, they hope more such innovative projects will bear fruit in the years ahead.

There is, however, one specific change seen throughout the new law. That is, the tendency to put definite time limits on federal grants, and to require that states and school districts pick up an increasing percentage of the cost. Both of these techniques appear in the greatly expanded Community Schools and Gifted and Talented programs. And the same principles appear in the new Title IV-C authorization: "Funds may be provided to a local education agency under this part for a particular activity for a period not to exceed five fiscal years. The amount provided to a local education agency . . . shall decline after the third year . . . in order to ensure that successful practices developed with assistance under this part will be adopted and supported as part of the regular program of such agency" (Sec. 432).

AMOUNT OF FUNDS EXPENDED FROM TITLE IV, PART B, FISCAL YEAR 1976, BY PURPOSE

	Public	Private	Total	Percent
School library resources and other instructional materials, textbooks	$23,180,219	$2,214,081	$25,394,300	54.1
Equipment and minor remodeling	15,230,330	632,815	15,863,145	33.7
Testing, counseling, and guidance	5,416,079	295,158	5,711,237	12.2
Total	43,826,628	3,142,054	46,968,682	100.0

The Good News

There has been some good news about Title IV. The consolidation in the 1974 ESEA amendments was intended to simplify the administration of the program and to cut paperwork. The first year or two was spent in general confusion as staff members were shuffled back and forth in state education agencies, primarily because the consolidation was phased in. But the consensus now is that the consolidation is achieving its purpose. USOE said recently that where there were once about 4,000 reports of various sorts submitted to cover Title IV programs, the number is now 293. USOE also said its administrative staff has been cut 30%, and states are now producing one annual report rather than six, as they had before.

Not everybody was happy with the consolidation, though. The joining of library money and guidance and counseling money in Part B was an unhappy one from the start. The library funds bought "things," while the guidance and counseling money bought "people." The American Personnel and Guidance Assn. has contended, with considerable logic, that school districts have tended to buy "things" so they wouldn't have the continuing cost of a salary. The new law offers an amiable settlement by splitting guidance and counseling money away from Part B and putting it in a new Part D. The new section received an authorization of $50 million. But, more importantly, the law says that the actual appropriation must be at least $18 million per year. If it is not, guidance and counseling moves back into Part B.

Grants under the new Part D may be used for state leadership and supervisory services in guidance, counseling and testing, and for "comprehensive guidance, counseling and testing programs in elementary and secondary schools." This includes employing counselors, "inservice training . . ., supervision and leadership services at the local level," planning, special guidance programs to aid the disadvantaged, and a testing program or evaluation. The state may keep no more than 7.5% of its grant for "state leadership." Further, "each local agency shall be given complete discretion . . . in determining how the funds it receives . . . will be divided among the various programs described" above. The House committee report adds a note about guidance in elementary schools being a "neglected area." The committee said it "expects that Congress will fund this new Title IV-D at a level high enough to enable local school districts . . . to hire elementary school counselors. The committee believes that if the problems of elementary students can be recognized and treated early, when these students are more receptive to assistance, then many of the problems students have in later years can be avoided."

Congress also revised the requirement of Part C a bit to put more emphasis on basic skills and compensatory education. The activities authorized under Part C include:

1. Developing projects "to address serious educational problems," including those of "educationally deprived" children, the gifted, the handicapped, potential dropouts and children in private schools;
2. Encouraging the development of "improved programs" in poor schools;
3. Projects to "improve the achievement of children in basic skills;"
4. Projects to improve the diagnosis of "learning problems" in children;
5. Activities to encourage parents to participate in their child's education;
6. "Developing . . . model plans . . . for improving school management;"
7. Professional development programs for teachers, administrators and other instructional personnel;
8. Early childhood projects, including "the identification of potential barriers to learning;"
9. Projects to move education out of school through working with museums, business, labor unions and others.

In addition, there are several new requirements in the law. HEW Secy. Joseph Califano Jr., in his testimony on ESEA, deplored the lack of innovation in compensatory education. "There is no systematic federal or state initiative . . . for improving practice in compensatory education—despite the substantial investment and persistent need in this area," he said. The revised Part C says funds should also be used for "encouraging innovation and improvement in compensatory education" through:

1. "Summer bridge programs which provide students with continued academic improvement and stimulation during the summer months;"
2. Programs of "parent education" to help them help their child;

3. The "retraining" of teachers and other instructors to help them work more effectively with poor children;

4. Projects "to develop educational materials for use by children in the home."

These repeat many of the ideas Califano had suggested for improving Title I—i.e., getting parents more involved, bringing education into the home, providing more staff development for teachers and offering students summer courses to lessen the "learning drop" between June and September. The law also says that "each state shall ensure that not less than 50% of those funds appropriated for any fiscal year which exceed the amount appropriated for this part (C) for the fiscal year ending Sept. 30, 1979, will be used for the programs" described above (Sec. 431-b). The Part C appropriation for fiscal 1979 was $197 million. If the appropriation should rise next year by $20 million, to $217 million, half of that increase, or $10 million, would have to be spent on projects to improve compensatory education.

Other Title IV Requirements

Other program requirements under Part C, some new and some not, include the five-year limit on funding for the same school district project; the 15% set aside for projects to improve education for the handicapped; a requirement that local projects be "developed in consultation with . . . and approved by a committee of . . . administrators, teachers, other staff . . . and parents;" consideration of at least some projects to improve school management, and equal consideration for projects for students enrolled in private schools. The school management provision is new. It says that, in fiscal 1980, 5% of the new money under Part C must be spent on "plans for improved school management and the coordinated use in schools of all available resources." In fiscal 1981 and thereafter, the requirement increases to 10%. But this, like the requirement above for comp ed, applies only to money that is appropriated above the fiscal 1979 total.

Other amendments to Title IV include the following:

- **Private school children.** Congress again took pains to ensure that private school children get equal treatment under Title IV. "To the extent consistent with the number of children . . . who are enrolled in private nonprofit elementary and secondary schools," the school district, "after consultation with the appropriate private school officials, shall provide in such (private) schools secular, neutral and nonideological services, materials and equipment, including the repair, minor remodeling or construction of public facilities as may be necessary." If such services aren't needed, the school district must, again after consulting private school officials, provide "other arrangements" to "assure equitable . . . benefits" for private school children (Sec. 406). If a school district doesn't participate in the Part B program, the state must contract with a "nonprofit private agency or organization" to provide the services to private schools in the area. In either case, "expenditures for programs . . . shall be equal (consistent with the number of children to be served) to expenditures . . . for children enrolled in the public schools." When the money is used to "concentrate" on a particular group of children, such as the handicapped, bilingual or disadvantaged, eligible private school children in the area must "be assured equitable participation" in the program. Nevertheless, in all cases, the "control of funds provided under this title" should remain in the hands of a "public agency." Contractors providing services to children in private schools shall be "independent of such private school and of any religious organization," and "shall be under the control and supervision of a public agency."

- **Paperwork.** Congress also reduced the number of applications required under Title IV to save paperwork. The state may now file a one-time set of assurances that it will meet the requirements of the law, rather than doing so each year. The more detailed program plan submitted by the state will now be required every three years, rather than annually. Local education agencies will be able to make applications to the state for Parts B and D that cover three years.

- **Separate local applications.** One aspect of the consolidation designed to reduce paperwork has apparently caused more headaches than it is worth in reduced paperwork. That is the requirement that school districts file a single application to the state for Parts B and C. The two are different types of programs requiring a different kind of application. Part B money goes out to school districts through a formula, and the district must only submit several pages of basic information to get its grant. Part C, however, operates through competitive grants which, of course, require a more detailed, well thought-out application. State and local officials testifying on Title IV said the requirement for a single application merely caused delays and a lot of frustration. So, the revised Title IV says school districts can file separate applications with the state for Parts B, C and D. "The original amendment was intended to cut down on unnecessary paperwork," the House committee report said, "but unfortunately, it seems that more problems were created than solved."

- **Misuse of funds.** The House hearings turned up some evidence that school districts were misusing funds under Part B. The money is supposed to be spent on "school library resources, textbooks and other printed and public instructional materials," as well as for "instructional equipment and materials suitable for use . . . in academic subjects." But witnesses said the federal money has been used for the purchase of general office equipment like typewriters, ice machines and filing cabinets. Some districts also purchased uniforms and background music systems with the funds. To "correct these misuses of funds," the House committee report says the U.S. Office of Education should put out further regulations making it "crystal clear" that funds are to be spent only for materials and equipment directly related to instruction. Further, the law now requires librarians and media specialists to have a part in local decisions on spending Part B funds, and says that state advisory councils on Title IV should include librarians, media specialists and guidance counselors. Finally, the committee reiterates its point with a few simple illustrations. The "acquisition of instructional materials relating to nutrition education" is fine under Part B, but this does not mean schools can use the money "to purchase food or stoves on which to cook nutritional meals." Likewise, the "acquisition of materials . . . relating to music education or physical education could be viewed as acceptable uses" of Part B funds, but the purchase of "band instruments, gym mats or parallel bars" is not.

All of the amendments to Title IV go into effect on Oct. 1, 1979.

Chapter 5

State Leadership

State government is big business. Since 1948, the number of state and local government employes has jumped from four million to more than 13 million. All the while, the number of federal civilian employes has remained at about 2.3 million. But that doesn't mean state and local government spending has increased three times as fast as federal spending. Many of those state and local employes, especially in a field like education, are paid through federal funds. To walk the halls of a state department of education is to understand that point. Typically, there is a Title I office, a Title IV office, a Right To Read Office and so on—all simply adjuncts of the federal government. The California State Dept. of Education has more than 3,000 employes—as many as the U.S. Office of Education's headquarters in Washington, D.C.

But education is the legal responsibility of the state—not the federal government—so federal programs work through the states almost as a matter of necessity. Major programs like Title I and Title IV have always included a percentage of the grant to be used by the state for administration. ESEA has also authorized funds for "strengthening" state education agencies. The revised ESEA consolidates all the state administration requirements into one section—a new Title V—and puts more emphasis on state monitoring of local projects. The Senate committee, which proposed the consolidation, said "the existing structure for state administration of federal aid programs is unnecessarily duplicative and burdensome. Each law has its own set-aside of federal funds for state administration, which is required to be kept fiscally and operationally separate." Offices don't even share equipment, the report said, and this "compartmentalization . . . clearly does not make practical or fiscal sense."

At the same time, the new provisions on administration are quite detailed. The Lawyers Committee for Civil Rights Under Law, an active Washington, D.C., civil rights group which studied state administration as part of a National Institute of Education (NIE) study, recommended that Congress write the state administration requirements into law. And it did.

The law says the state must file a single "general application" for Titles I and IV, which will set forth the series of "assurances" as to how the state will administer the federal programs. These include requirements that the state monitor school districts and enforce "any obligations imposed on" them; that it will "evaluate the effectiveness" of programs at least every three years; that it will ensure "proper disbursement of and accounting for" all federal funds; and that it will provide "reasonable opportunities for" school districts and other interested groups and individuals to participate "in the planning for and operation of each program." Congress hopes to remedy several problems here. For example, cities like Philadelphia have been charged with misspending large amounts of Title I money, but generally the U.S. Office of Education (USOE) has had to work directly with local officials to correct the problem. Now, Congress wants to put the onus directly on the state education department to see that the money is spent properly. Further, the tougher requirements to actually evaluate local programs could prove interesting. Many state departments, like USOE, have been only check writers and have been reluctant to make judgments about local projects.

States Should Take A Closer Look

Title V also requires a similar "general" application be filed by a school district with the state, and Congress has urged states to look at it more closely. Such applications usually get a near automatic approval, but the Senate hopes that will change. "The committee feels that application approval is perhaps the most important function performed by state educational agencies," the Senate committee report said. The state should determine whether the school district is complying with all requirements, and should "comment on the quality" of the proposed program. Disapproving an application before the funds are distributed is much better than trying to recover misspent funds afterward, or trying to alter local programs in mid-year, the report said. Actual evaluation of the quality of proposed projects is also stressed. "The committee intents (sic) that state education agencies determine whether the project described in the application reflects the results of evaluations of the project, i.e., state education agencies should not routinely approve applications for project designs which previous evaluations have demonstrated are of little value in raising the achievement level of participants," the report adds.

These standards are written in the law: the state should approve an application "only after it has considered, where pertinent, (A) the results of federal and state audits; (B) the results of federal and state monitoring reports; (C) administrative complaints made by parents or other individuals . . . and (D) reports on evaluations conducted by the local educational (agency) of its programs'' (Sec. 502). Only when a state is ''satisfied'' that the local agency meets these requirements, and that it will ''repay funds . . . which were misused,'' should the application be approved. However, a state shouldn't ''finally disapprove'' an application without giving the district ''reasonable notice and opportunity for a hearing,'' it says.

Congress also tried to clarify a state's authority to establish the regulations it needs to enforce the law. ''Nothing in this part shall be deemed to prohibit a state education agency from adopting'' such rules, the law says. The only limitation is that the rules ''do not conflict'' with federal standards. The NIE study had found that some states were uncertain about their rule-making authority. This authority, the Senate committee report says, ''should not be undercut.''

More Technical Assistance

Congress also wants the states to be more serious about offering ''technical assistance'' to school districts. An HEW study in 1977 found that ''state technical assistance efforts vary widely in quality and approach.'' The new law says ''each state shall carry out a comprehensive program to provide technical assistance,'' which should include help with ''management procedures, for planning, development, implementation and evaluation of programs and for preparation of applications.'' Further, the state must disseminate ''significant and relevant'' information gained from research, from successful comp ed projects and about other federal and state programs which could provide ''health, social or nutrition services.''

The new monitoring standards are also written into the law. Local school officials should expect to see a bit more of their state counterparts. Each state education agency ''shall adopt standards'' for monitoring local projects which (1) ''describe the purpose and scope of monitoring; (2) specify the frequency of on-site visits; (3) describe the procedures for issuing and responding to monitoring reports; (4) specify the methods of making monitoring reports available to parents, state and local auditors and other persons; and (5) specify the methods for insuring that noncompliant practices are corrected.''

Still another set of procedures written into the law are those for resolving complaints from parents, local citizen groups or staff people employed in the program. Typically, complaints have been sent to

HEW, but, again, Congress wants to place the responsibility for resolving them squarely with the state. States "shall adopt written procedures for receiving and resolving complaints or reviewing appeals from decisions of local educational agencies with respect to complaints." These procedures must include "specific time limits for resolving complaints," which should include an "on-site investigation" when necessary; an opportunity for both sides to present their case; the right to appeal to USOE within 30 days, and dissemination of the procedures to interested parties.

Monitoring Compliance

Another provision written into federal regulations—but rarely put into effect by the states—is the ability to withhold payments under federal programs. Like approving applications, states have generally continued to send out payments even when there was a dispute about the operation of a federally funded program. The new law says, "whenever a state educational agency, after (affording) a reasonable notice and opportunity for a hearing to any local educational agency . . . finds that there has been a failure to comply substantially with any provision of the program . . . the state educational agency shall notify such (local agency) that further payments, in whole or in part, will not be made . . . until it is satisfied that there is no longer any such failure to comply." Federal and state administrators have always been reluctant to withhold funds. Probably earlier in their careers they were in the position of administering a local program, and they tend to sympathize with the local problems. In addition, cutting off funds hurts the students more than the administrators. But the NIE study found some state officials were unclear about their authority to withhold federal funds. That authority should now be understood.

Finally, there is the subject of audits. These, too, have been a sore point. The Lawyers Committee has long contended that neither federal nor state administrators of Title I have been especially vigorous in enforcing the law, and that even when HEW auditors have turned up violations, they have been brushed aside. Again the picture, at least as presented by the Lawyers Committee, is of a regulation and enforcement system that doesn't regulate or enforce. One part of that system is audits. HEW's Audit Agency has examined local Title I projects and found questionable uses of the money. Usually, after a year or so of exchanging reports, letters and memos, the matter is dropped. Congress hopes to clarify the importance of audits and a state's responsibility for them. "Each state shall make provisions for audits . . . to determine at a minimum the fiscal integrity of the grant . . . and compliance with applicable statutes, regulations and terms and conditions of the grant," it says. One criticism of past audits has been that they focused only on the financial side and ignored the other aspects of complying with the law. The Senate committee report says that, "at a minimum," the auditors should also check on:

1. School attendance area eligibility and targeting;
2. Eligibility and targeting of children; and
3. Supplemental use of Title I funds and the prohibition concerning the use of Title I funds for general aid.

Audits will become big business for the states. The law says audits must be "made with reasonable frequency, usually annually, but not less . . . than once every two years." The state must also "have in effect written procedures, meeting minimum standards" set by USOE for resolving the problems turned up by an audit. In this area, as in several others, USOE has been vague and inconsistent as to what the states must do in enforcing the law; so the Senate committee directed USOE to publish clearer and more detailed regulations covering audits. Finally, the law specifies that it is a state's responsibility to collect funds that were misspent, and the school district must repay the amount from "nonfederal sources" (Sec. 509).

Program Administration

Title V authorizes payments to the states of up to 1.75% of its Title I and Title IV or $550,000, whichever is greater, for "the proper and efficient" administration of the programs. This replaces the old set-asides contained in both Titles I and IV, and should mean a slight raise for the states. Title I had previously allowed states to use 1% for administration, and Title IV allowed .25%. The new law says states must get at least as much for administration as they did in fiscal 1978. If for some reason Congress doesn't appropriate enough money to cover this section, the funding authority will go back to a percentage of the Title I and Title IV grants.

In addition to all this, to help pay for what should be a stepped-up monitoring and enforcement operation by the states, the law authorizes an extra .25% of the grants. States must apply to USOE for the funds and specify just how they will be used. In all cases, this extra money must be "used solely for . . . monitoring, audit resolution, enforcement or other similar activities."

Title V also has a second part—this one for "strengthening state agency management." For connoisseurs of legislative trivia, this authorization was at one time part of Title V, was lumped into Title IV-C in 1974, where it got 15% of that grant, and now is back as Title V-B. The Senate committee, taking a suggestion from the Carter Administration, thought it would be wise to put this section with all the state administration provisions under one title. Although the funding authorization itself is an old one, it contains several new ideas for states to pursue. The law says the state may spend its funds for the following:

1. "Developing more equitable means of financing education in the state;"
2. Allocating money to other agencies to "conduct analyses of educational issues;"
3. Developing a state-wide testing program;
4. Providing "technical assistance" to districts in planning, management, citizen involvement or staff development;
5. Conducting workshops or seminars around the state;
6. Helping school districts improve their "instructional programs, including programs that enable parents to assist in the instruction of their children at home;"
7. Dissemination of information about effective education programs;
8. "Coordinating" public and private school programs;
9. Professional development for state employes, and
10. Developing curriculum materials or programs.

The application for the "strengthening" funds must include a "comprehensive plan for the coordination of federal and state funds for training activities for educational personnel"—the second time in the ESEA bill that this same requirement appears (Sec. 521).

Due to an apparent technical error in the drafting of the bill, this section could mean a big drop in funds to the states for "strengthening" their operations. The previous law had said that states would get 15% of either their Title IV-C grant or their fiscal 1973 appropriation, whichever is greater. This is one of the endless "hold harmless" clauses that Congress attaches to legislation to ensure that funding doesn't drop unexpectedly. In this case, it was used often. The 1973 appropriation was considerably higher than 15% of Title IV-C for every year after 1974, so the states had relied on a consistent amount of money. But in rewriting the provisions on "strengthening" state agencies, the "hold harmless" clause got lost. The law does refer back to a previous section if the appropriation is inadequate—but the reference is to the wrong section. What this section will mean, unless it is corrected by Congress this year, is a substantial cut in funds for the states. For example, Massachusetts said it had been receiving $1.17 million a year under this section, the amount it received in fiscal 1973. If it were now forced to settle for 15% of its Title IV-C grant, its funding would drop to $736,000.

Title V also reauthorizes the national and state councils on the quality of education. If you think you've never heard of these councils, it's not surprising—because they've never existed. In 1970, Congress authorized a National Council on the Quality of Education, and also separate state councils. But the HEW secretary has never appointed any members, and no funds have as yet been appropriated. Maybe this year.

Chapter 6

Emergency School Aid

The Emergency School Aid Act (ESAA) is the federal government's major program to help school districts desegregate. Enacted in 1972, ESAA has since pumped more than $1.5 billion into those school districts with large numbers of minority students. If you aren't familiar with the program, its name might create visions of riot police, security guards and extra buses and bus drivers. It is none of these. "Emergency" is even somewhat of a misnomer. Most of the money under ESAA goes out in formula grants to the states—count the number of minority school-age children in the state, and get a portion of the funds based on that count. And two-thirds of ESAA money is spent for compensatory education, usually remedial reading, according to a USOE evaluation.

But ESAA is many more things, too. It's **"human relations"** training for teachers; it's **"alternative"** programs for potential dropouts or disruptive students; it's **guidance and counseling;** it's **public relations messages** on radio and television; it's **"community relations" aides** answering inquiries from parents, and other projects too numerous and varied to mention.

Has ESAA had any impact on the course of school desegregation? That is almost impossible to judge. Evaluations of the programs undertaken so far have been less than ambitious. They have, for example, said where the money went and for what it was used. The compensatory education, as has been the experience in similar programs, did not have a great "compensating" effect. But ESAA is in the business of changing attitudes, probably the most difficult undertaking possible—and that is equally difficult to measure.

The 1978 amendments incorporate ESAA into Title VI of ESEA. The House subcommittee held three days of hearings on ESAA in June 1977, and turned up several problems. First, it found the program tended to be "inflexible." It pumped out money for certain types of projects to the same regions of the country regardless of the need or the urgency of the problem. Second, it supported activities that, while possibly beneficial, did not have much to do with desegregation. And finally, HEW's Office for Civil Rights (OCR) has used its authority to review applications to hold up hundreds of grants for alleged civil rights violations.

First, flexibility. About $185 million goes out each year under ESAA in "state apportioned" grants. Distributing money to states by population usually makes political sense—all the representatives and senators are sure to like it. But it doesn't make much sense for a program that helps with "emergency" problems. The House committee report noted some of the drawbacks of this means of distributing money. In some states, every eligible applicant gets funded, while in others, districts with a greater need and better applications don't—because the money is used up elsewhere in the state. For example, if you are desegregating in Springfield, Mass., good luck on getting some of the state's ESAA money, because it's not easy to compete with Boston. But, if Springfield could be edged across the border into Connecticut, its chances for funding would probably improve.

The funding formula also puts a great weight on the number of minority students in an area. This ensures that most of the money will go to the biggest city in the state (e.g., Atlanta in Georgia, Milwaukee in Wisconsin) whether or not it has the greatest need. A U.S. General Accounting Office report on ESAA noted that school districts may have large numbers of minority students, but may not be segregated.

The original act was inflexible in another way. It contained seven subprograms, each with a set amount or percentage of the funds. The money sent directly to states was to be used for basic grants (64%), pilot programs (15%) and grants to nonprofit organizations (8%). In nationwide competitions, ESAA also sent out money for special projects (5%), bilingual education (4%), educational TV (3%) and evaluation (1%). In 1976, Congress added authorizations for magnet schools and for a "follow the child" provision. (This pays for compensatory education for Title I children who are transferred out of a Title I school in a desegregation plan.)

Why was the law so specific about how much went where? Because Congress distrusted school administrators and the Nixon Administration. The House committee report states this bluntly: "The inflexibility in the Act is rooted in the times in which it was enacted and especially in a distrust of administrators." The committee added that the changes enacted will hopefully "dispel that distrust and . . . give the administrators more discretion."

First, the new law reduces the amount to be distributed by formula to the states from $185 million to $155 million. If there is any money left which "exceeds the amount which the (HEW) Assistant Secretary determines will be required for that fiscal year," it can be reapportioned to other states or used for "special programs and projects." Also, to give states more flexibility in allocating the money, the new law drops three of the mandatory set-asides for funding and changes the priorities. Rather than relying almost entirely on the number of minority children in a district, the House and Senate committee reports say states should give more weight to the "recentness" of the desegregation plan. Some big city districts have been getting large ESAA grants years after their desegregation plans were completed.

The new criteria for awarding grants are as follows:

- "The need for assistance based on the expense or difficulty of effectively carrying out a plan;
- The degree to which implementation of the plan described has effected or will effect a decrease in minority group isolation in minority group isolated schools;
- The recentness of the implementation of the plan;
- The degree to which the program or project for which assistance is sought affords promise of achieving the purposes; and
- The degree to which the plan . . . involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served."

Eligibility Standards Altered

While the authorization for state-apportioned grants was reduced Congress increased the ceiling for "special projects and programs" to $245 million a year, beginning in fiscal 1980. Of this, $20 million, or 25%, "whichever is greater," will be reserved for magnet schools. Technically, this means the grant must go for either "the planning for, design of and conduct of programs in magnet schools; or the pairing of schools and programs with institutions of higher education and with businesses; and the development of plans for neutral site schools." The magnet schools program began with the 1976 amendments and received a $25 million appropriation for fiscal 1979.

The new law also alters the eligibility standards for a school district to get ESAA money. Previously, ESAA grants were available to districts implementing a desegregation plan ordered by a federal or state court, or operating under a plan approved by HEW. Now, in addition, districts undertaking voluntary desegregation, and those planning for a desegregation order, can get ESAA funds. A district "which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available," a desegregation plan qualifies for a grant. Districts "developing a plan for desegregation" either under a court order or voluntarily may get a grant, but only under the "special projects" authority. Also, planning grants may not exceed two years.

The other change in eligibility allows funds to flow to schools not directly affected by desegregation. Detroit has represented a strange case. After its much-publicized desegregation case reached the U.S. Supreme Court several years ago and the idea of a metropolitan desegregation remedy was defeated, the federal district court changed its tactics. It then ordered an upgrading of the schools in Detroit as a way to overcome the lingering effects of segregation. And the state of Michigan was ordered to pay half the cost. This case, too, reached the Supreme Court, which this time upheld the district court order. Not surprisingly, the Detroit schools applied to HEW to help pay the costs through ESAA. But since the order did not actually call for moving children back and forth, Detroit was declared ineligible for an ESAA grant. The revised ESAA regulations can remedy that by saying that eligible districts are those implementing a desegregation plan "which may require educational activities in minority group isolated schools not affected by the reassignment of children or faculty under the plan in order to remedy the effects of illegal segregation."

One category of school districts was dropped from eligibility—those which do not have a desegregation plan, but are maintaining one or more "integrated" schools. The House report notes that evidence presented during the hearings showed that such programs "were doing little to further desegregation."

Other amendments to ESAA include the following:

Follow the child. The law creates a separate $7.25 million authorization for each year, beginning in fiscal 1980, to pay for compensatory education for Title I students transferred out of poor schools. These so-called "follow the child" payments were authorized beginning in 1976 because big cities were often unable to provide compensatory education for poor children bused to middle class schools. At least 30% of the students must be eligible Title I children (Sec. 604c).

Educational television and radio. Of the "special projects" money, 7% will be reserved for educational TV and radio projects.

Since ESAA is in the game of changing attitudes, it is hoped that public television broadcasts showing black, white and Hispanic children together might break down some prejudices. The grants may also pay for more direct appeals to the community to accept desegregation in a positive spirit. The programs must be of "high quality," have both a staff and a *cast* that are "integrated," must have "substantial artistic or educational significance," and must be "made reasonably available for transmission, free of charge." Also, for the first time, ESAA grants may be used for radio programs, but they are limited to 10% of the funds (Sec. 611).

Bilingual education. The special set-aside for projects in bilingual education was transferred out of ESAA and placed under Bilingual Education—Title VII. But bilingual projects are still eligible for funding under ESAA Special Projects (Sec. 608a). Children of "limited English language proficiency" are specifically listed as one of the minority groups eligible for funding.

State incentives. One of the key changes in ESAA is to provide some money to encourage states into further desegregation. Federal courts in Michigan and Ohio, for example, have held those states responsible for assisting with the desegregation in Detroit and Cleveland, respectively. Under an amendment suggested by the Carter Administration, states will be able to get two federal dollars for every dollar they spent in the previous year on desegregation-related activities. These include planning for the implementation of a desegregation plan, providing "technical assistance" to help a school district desegregate or providing training to school personnel involved in desegregation. The section stresses "voluntary" desegregation plans. A state may receive a maximum of $500,000, or 10% of its regular ESAA grant. The House committee says it added this provision "because it believes that the states, as the primary repositories of constitutional authority for education, must be encouraged to play a more active role in furthering school integration" (Sec. 608c).

Nonprofit organizations. In many cities that have desegregated successfully, much credit has been given to an active citizens group committed to making desegregation work. States have been required to distribute 8% of their ESAA money to such nonprofit groups, which in both fiscal 1978 and 1979 meant $17.2 million. The new law takes this authorization out of the state-apportioned part and puts it under Special Projects. The nonprofit groups then get a separate $15 million authorization "for programs and projects designed to support the development or implementation" of a desegregation plan (Sec. 608b).

Compensatory education. About two-thirds of ESAA money is spent on instruction in basic skills. As such, ESAA seems to duplicate Title I. "The heavy emphasis on compensatory education seems particularly misdirected" considering how much money is available under Title I and because ESAA was designed primarily to handle emergency desegregation problems, the House committee report said. Comp ed "can . . . be a viable component" of an ESAA project, but should not be "the primary use of funds." To remedy this, the new law lists authorized activities under ESAA and puts comp ed far down the list (Sec. 607). They include: (1) "training of school staff" to handle desegregation problems; (2) adding staff members, including teacher aides; (3) the development or acquisition of new curriculum materials; (4) "innovative education activities, including extracurricular activities" to bring students of all races together; (5) community relations and public information; (6) planning, evaluation or dissemination directly related to desegregation; (7) repair or minor remodeling of school facilities, including the renting or purchasing of mobile classrooms; (8) compensatory education; (9) planning to carry out a desegregation order; and (10) supporting education programs in schools "not affected by the reassignment of children" but still covered by a court order (this is another reference to the Detroit situation).

Long-term grants. Getting an ESAA grant had been an annual affair. This kept districts in a constant cycle of applying for a grant and evaluating its impact, with scarcely little time in between to actually accomplish something. It is also difficult to attract and hold a high quality staff if funding might last only one year. To change that, the new law says USOE can award grants for any period from one to five years. The length of the grant should be based on the "severity of the problems" being addressed and their "likely duration." Once a grant is awarded for more than one year, the district need not apply again, but may be asked to "demonstrate satisfactory progress" in achieving its goals (Sec. 610e).

Voluntary plans. The new ESAA specifically allows funding for desegregation plans undertaken voluntarily, but it goes further. Court-ordered plans are not to get a preference in funding. "The

Assistant Secretary shall not give less favorable consideration to the application of a state or local education agency . . . which has voluntarily adopted a plan . . . than to the application of a local education agency which has been legally required to adopt such a plan" (Sec. 610f).

Civil rights violations. One of the most controversial aspects of ESAA concerns the eligibility of school districts based on their civil rights record. OCR is given the authority to review applications for ESAA to make sure that the districts are complying with all civil rights laws. OCR has sometimes used this power heavy-handedly and this has created some difficult situations. For example, big cities beginning desegregation, like Detroit and Los Angeles, have been declared ineligible for ESAA because they don't meet all civil rights standards. But why else would they be under court order to desegregate? To prevent this sort of absurdity, Congress allows "waivers" of certain requirements. Each year, OCR releases the names of a whole series of districts that, on first glance, are not eligible for ESAA. Later, through negotiations between OCR and the district, remedies are agreed upon, and OCR grants a waiver. This process, besides causing a great deal of animosity, delays—and occasionally squelches—a project. One evaluation laid the problem at OCR's doorstep, saying the office simply takes far too long to evaluate a district to see whether or not it is eligible. To remedy that, Congress set two deadlines for OCR. It "shall determine whether the applicant is eligible . . . and notify the applicant in writing of any determination of ineligiblity . . . including in detail the relevant information on which the determination of ineligibility is based, not later than March 1 of the year . . . for which the assistance is sought begins," or about seven months before the beginning of school. In addition, "not later than June 30 of that year," OCR "shall notify the applicant of the approval or disapproval of the application and the amount of the award, if any." This allows only two full months before school begins (Sec. 610b).

Metropolitan area projects. A fond hope of many advocates of desegregation is that school districts could work together to desegregate—without pressure from the courts, HEW or their state. Typically, within the same metropolitan area, there are some districts that are nearly all-black and some that are nearly all-white. ESAA authorizes grants to a group of school districts within a metropolitan area to voluntarily exchange students in order to integrate the schools. A mostly white school district "located within or adjacent to" a metropolitan area could make a "joint arrangement" with a primarily black district "for the establishment of maintenance of one or more integrated schools." To get a grant for a metropolitan-wide project, two-thirds of the school districts must approve it, and the goal must be to have each school have a percentage of minority students enrolled that is at least 50% of the percentage for the entire area (Sec. 609). The original ESAA law had a set-aside for funding of metro projects but this was dropped early in the program.

Evaluations. Districts getting ESAA grants must set up "effective procedures . . . for objective measurement of change in educational achievement" and other changes brought about by the project. The district must also "make periodic reports" to USOE "relating to the performance" of the project (Sec. 610a11).

Franco-Americans. One of the interesting phenomena in the federal government is its attempt to clearly decide who is a "minority" and who is not. The classification has little to do with numbers, only something to do with being "disadvantaged," and quite a bit to do with politics. The "standard" minorities, according to the federal government, are American Indians, Eskimos, Asians and Pacific Islanders, blacks and Hispanics. Thanks to some diligent lobbying, Portuguese were added several years ago. This seemed to make some sense; after all, Portuguese are close to Hispanics in both geography and culture. This year, Maine had two well-respected candidates for the Senate—incumbent Sen. William Hathaway, a member of the Human Resources Committee, and Rep. William Cohen, who testified before the House subcommittee on ESAA. Both men argued that their state had a large number of French-speaking citizens who had moved into the state from Canada. They were "disadvantaged" because of their French heritage, they said. So, Congress said "Franco-Americans" are now, officially, "a minority."

Chapter 7.

Bilingual Education

It was a strange year for bilingual education. The amendments to Title VII—or the lack of them—are difficult to explain. For the past two years, the program has been repeatedly lambasted as a failure. In April 1977, USOE released its most extensive evaluation of the $150 million per year "demonstration" program, and it was almost all bad. The American Institutes for Research (AIR), which conducted the study, looked at 38 projects in their fourth or fifth year of federal funding, all of which volunteered to participate in the study. Seemingly, these would be better than average projects. The programs cost an average of $310 per child in federal funds, yet Hispanic students participating in the Title VII program gained less in reading and vocabulary than similar Hispanic students who remained in regular classes. (About 70% of the participants in bilingual ed are Hispanic, but USOE also funds programs in 67 other languages.)

In math, the "Title VII children," as they are called, did fare better than their counterparts who were not in the program. Another measurement concerned attitudes. It is assumed by the proponents of bilingual and bicultural education that classes emphasizing a child's native language and culture will boost his or her self-confidence and attitude toward school. But AIR couldn't find any difference in attitude between those Hispanic students who were in bilingual programs and those who weren't. Also, most of the children in bilingual classes were proficient in English, according to their teacher. If the teacher had to address the child or administer a test, he or she did so in English for most of the children because that was the language they did best in. In addition, 85% of the project directors said Spanish-dominant children remained in the project after they could function in English. Only 5% of them said a child would definitely be transferred to a regular class once he or she learned English.

It is not hard to figure out why this happens. AFT President Albert Shanker spelled it out in testimony before the Senate subcommittee on education. There are "pressures to keep ethnic surnamed children in bilingual education whether or not they need or want these services," he said, "simply because the more children who are enrolled in the program, the easier it is to maintain the staff and facilities. This is a serious mistake and a waste of scarce dollars." Shanker—who also heads the teachers' union in New York City, which gets more bilingual ed money than any other city—nevertheless blasted the "drafting of children into these programs because of their name" and urged the subcommittee to put severe limits on the bilingual ed program. USOE funded about 425 bilingual ed projects in 1977, and most were in three states—California, Texas and New York. They are called "demonstration" projects, but this is clearly a misnomer. Funding continues year after year, but nothing is definitely demonstrated.

Value vs. The Federal Role

The 1977 controversy over the bilingual program was not limited to education evaluations or poorly attended subcommittee hearings. *Washington Post* reporter Noel Epstein spent six months researching bilingual ed and concluded that the effectiveness of the bilingual approach has never been demonstrated. In fact, many studies have concluded that children learn a new language best when they are totally "immersed" in it. But, as Epstein went on to note in a long *Post* article (June 5, 1977), most advocates of bilingual ed have paid little attention to this research because their aim is not to help the children learn English. Rather, despite the clearly stated intent of Congress in the 1968 Bilingual Education Act, they want children to maintain their native language and culture. For example, Prof. Josue Gonzales of Southern Methodist U., a proponent of "maintenance" courses in bilingual ed, criticized the "outdated melting pot syndrome which discourages cultural pluralism." (Gonzales has since been appointed director of USOE's Office of Bilingual Education.) But the argument isn't over the value of native languages and cultures, Epstein says. "The question is the federal role. Is it a federal responsibility to finance and promote attachments to ethnic languages and cultures? Why?" Two avid readers of the *Post*, notably President Carter and Vice-president Mondale, saw the article and were disturbed about what they read. Rep. William Ford, D-Mich., who chaired House subcommittee hearings on the issue the following day, said it "ruined my Sunday."

Epstein made two other important points. First, bilingual ed classes as they are now run tend to be "highly segregated." Even though the federal government fights the segregation of minorities on the one hand, it condones—in fact, encourages—the placing of all low-achieving, Spanish-speaking children in separate classes. Their median reading achievement is at the 20th percentile, he says, and the bilingual ed classes apparently do nothing to improve it. HEW's Office for Civil Rights monitors segregation within schools as well as among them, but gives a special exemption to schools that segregate by language. Second, bilingual ed has a political significance that goes far beyond its dollar amount. Hispanics are now the nation's largest minority and jealously guard bilingual ed as the only major federal program they can call their own. "Bilingual ed is, more than anything else, a job program," said A. Bruce Gaarder, former head of USOE's foreign language program. "It's fought for because it's a way of giving jobs, recognition and status to the Spanish-speaking who traditionally have been at the lowest end of the socioeconomic pole. It's at the level that they fight for it and are going to keep on fighting for it."

'The Political Test Is Potency'

A 1975 study by the Rand Corp.—the type of study that usually couches its most definitive conclusions in vague, abstract language—said, "There might be cheaper and more effective ways to meet the needs at which bilingual education programs aim. But the political test is potency—the ability of the claimant to win large-scale support from Congress and thereby the political respect, however reluctant, of school districts that formerly could ignore their demands. Forcing the districts to teach in Spanish is a test of that potency and thereby contributes to the transcending aim—increasing the social self-respect and political power of Mexican-Americans and Puerto Ricans, children and adults alike."

The bilingual ed controversy even made it to television. The CBS program "60 Minutes" criticized bilingual education as being ineffective in teaching English and as promoting cultural and language separation. An exasperated Mike Wallace discovered one reason Spanish-speaking children may not be learning English in federally funded bilingual ed classes. Visiting the New York City schools, he found teachers who spoke only Spanish. "How can you teach English if you can't speak it?" he asked one. The teacher didn't respond; he didn't understand the question.

After all the public and professional outcry, you would expect the congressional committees to go back to the drawing board and redesign the bilingual program. Actually, the program that is discussed in the Senate committee report seems to have little relationship to the one being criticized publicly. Here is the committee's analysis: After a one-day hearing that featured testimony from members of the National

Advisory Council on Bilingual Education, the committee said only that the programs had "shortcomings that sounded disturbingly familiar—inadequate efforts in research and evaluation, insufficiently qualified staffs and programs for teacher training, little understanding of the relationship between bilingual and bicultural approaches, the need for a new definition of an eligible child, personnel limitations within USOE . . . and congressional appropriations insufficient to meet growing needs." No mention is made of the many critical evaluations. No mention is made of the fact that many professionals believe bilingual ed is not the best way to teach English, and may be doing more harm than good for some students. No concern is shown that students who don't belong in such classes are being "drafted" into them because they have an Hispanic surname. Instead, the committee report calls for greater funding of the present program and says "the committee is pleased to note that its faith in the efficacy of bilingual education is being affirmed" through some successful projects.

It should be added that the House subcommittee held three days of hearings on bilingual ed and probed the issues in considerable depth. Two members—Reps. Paul Simon, D-Ill., an advocate of more foreign language instruction in American schools, and Albert Quie, R-Minn.—argued that the bilingual ed program should be tightened up, and that new guidelines should clearly state that Congress intends for students to make the transition to English. Cn the other side of Capitol Hill, Sen. Edward Kennedy maintained that Congress should expand the program. His main point was agreed upon by all—that the problem of non-English speaking children in U.S. schools was not going away; and, with the rising tide of illegal immigrants coming into the country from south of the border, the schools would probably have an even greater problem in the coming years. In addition, children who don't grow up speaking English at home are obviously handicapped when they go to school, he said. The National Assessment of Educational Progress recently confirmed what was apparent—that Hispanic children fall far behind their English-speaking classmates, and most drop out before finishing high school.

Kennedy argued for maintaining and boosting the present program, while Quie and Simon suggested new limits on funding and on the duration of local projects. The result was that, in the main, the law emerged unchanged. The 1978 amendments to Title VII are sensible, but not dramatic. The purpose of Title VII is restated to emphasize children with the "greatest need" should be served first, and that the program's goal is to help them "achieve competence in the English language." Project directors, it says, are not to teach Spanish to children who are proficient in English (Sec. 702).

Eligibility Changes

An eligible child is one with "limited English proficiency." This is a minor change in wording, but makes an important point. The law had previously referred to the child's English-speaking ability, but it is equally important that the child be able to read and write English. The new terminology thus broadens the definition of an eligible child. Three key groups are to be served: those "who were not born in the United States or whose native language is . . . other than English; those "who come from environments where a language other than English is dominant; and those "who are American Indian or Alaskan Native." The child must "have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language instruction is English." The House-Senate conference struggled over this statement because Kennedy wanted to see practically all low-achieving students with a language problem included, while Quie and Simon wanted to restrict the program to just those who can't get along in English. Low achievement and speaking a language other than English are related, but how closely? Should every child in Chicago whose parents speak Greek, Polish or Spanish be in a full-time bilingual ed program if their school achievement is poor? What if the child can speak English adequately? Unfortunately, no one has a clear definition of "English language proficiency," so the law remains somewhat vague as to which children should and should not be enrolled in bilingual classes.

Bilingual education classes are to have "instruction in, and study of, English and, to the extent necessary to allow a child to achieve competency in the English language, the native language of the children of limited English proficiency, and such instruction is given with appreciation for the cultural heritage of such children." One significant change in class composition should break down segregation of Hispanics. Up to 40% of a bilingual class may be made up of English-speaking students. The intent is to allow English-speaking students to learn a foreign language, while at the same time helping Hispanic or other non-English speaking students learn English.

To put some limit on the duration of local programs and on the amount of time a child spends in one, the new law says USOE should fund local programs for only five years. During the final two years, the school district will be charged with a "gradual assumption of the program's cost." However, "No order . . . for termination of assistance shall be issued to any local educational agency which shows adequate progress in meeting the goals" of the program and "which shows a clear fiscal inability to carry on a program without such assistance." To keep its funding beyond five years, the district must also have "a continuing presence of a substantial number of students of limited English proficiency," a "recent, substantial increase in the number" of such students or an order to begin bilingual education under the Lau decision. In addition, children may not be kept in a bilingual education class more than two years, unless "an individual evaluation establish(es) the need for continued services." This was a recommendation made by AFT's Albert Shanker as one way to keep students from being maintained in Title VII courses merely to preserve the funding.

The new Title VII also puts greater emphasis on research, evaluation and teacher training. The original 1968 law had as one of its main goals the development of "model" bilingual education programs. That's why Title VII is a "demonstration" program. It is clear that this hasn't worked well, but the committee will try again. The U.S. Commissioner of Education will be required to "establish, publish and distribute . . . suggested models with respect to programs of bilingual education . . . including pupil-teacher ratios, teacher qualifications and other factors affecting the quality of instruction." USOE is also required to gather and publish statistics on the number of children needing bilingual ed (recent reports have ranged from 1 million to 3.5 million) and the number of extra bilingual teachers needed. The National Institute of Education is required to begin research to find the most effective ways to teach English, to develop better measures of language "proficiency" and to come up with better techniques of identifying children who need bilingual instruction.

Bilingual Ed and the Lau Decision

What is the relationship between USOE's bilingual education grant program and HEW's Office for Civil Rights (OCR) and its enforcement of the *Lau* decision? At times, there seems to be no connection between the two. At other times, the two offices seem to work hand in glove. In 1970, OCR sent a memorandum to all school districts stating that they were violating federal civil rights laws (Title VI) and denying an equal educational opportunity if children who couldn't speak English were not given any special help in school. The memo only required schools to take "affirmative steps" to rectify this problem. In 1974, the U.S. Supreme Court upheld the directive in the *Lau* v *Nichols* decision, a case that involved 1,800 monolingual Chinese students in San Francisco.

Bolstered by the court victory, OCR then seemed to go a step further by publishing another memo that has come to be called the "*Lau* remedies." While a sink or swim approach was outlawed by the Supreme Court the decision did not mandate bilingual education. But OCR, in its "*Lau* remedies," said every district with 20 or more students with a native language other than English must have a full bilingual program. Later, OCR "clarified" the memo to say that other approaches are sufficient if they can be proven to be as "effective" as bilingual ed. This raised further questions, because the bilingual approach has never been proven to be effective.

In any case, OCR set off a long and controversial battle with the nation's 334 school districts enrolling the largest numbers of non-English speaking students. Some districts, fearing a federal suit and the possible loss of federal funds, have immediately gone along with what OCR wanted. In other areas—Alaska and Texas, for example—the state and the school districts have gone to court to battle OCR. An interesting question is what triggers a directive to comply with *Lau*. OCR says any districts with students having a native language other than English must have a special program. But in Alaska, that's almost every child outside of Anchorage and Fairbanks. The parents of those children may be Eskimo, but both they and their child also speak English. The *Lau* case involved children who didn't speak English, but OCR has continued to refer to the child's "native language," not to his/her ability to speak English.

Meanwhile, USOE funds school districts to carry on bilingual education programs. They may or may not be required to do so under *Lau*. But, as with Sec. 504 and the PL. 94-142 program for handicapped children, the federal government does not like to provide funds to school districts or other institutions to help them comply with federal civil rights laws. Legally and ethically, the institutions have to abide by civil rights statutes regardless of what federal money is involved. Denying an education to a handicapped child violates the U.S. Constitution and, thus, has nothing to do with whether USOE gives the school a grant to carry out a certain special education program. Similarly, districts must take "affirmative steps" to help non-English speaking children regardless of Title VII. To get around this touchy situation, the new law says USOE may fund a district to comply with a *Lau* order, but at the same time, a *Lau* order does not give the district "any priority or preference" in federal funds.

Other changes of note in Title VII include:

- Local programs must use "the most qualified available personnel, including only those . . . who are proficient in the language of instruction and in English."

- Bilingual children should be placed in regular classes in art, music, physical education and other similar courses. And, "to the extent practicable," they should be placed with students their same age.

- Local bilingual programs may include instruction for adults, "particularly for parents of children participating in" the Title VII program. The law also authorizes funding for preschool programs.

- Bilingual education programs in Puerto Rico may teach Spanish. This change was enacted because an increasing number of Puerto Rican natives are leaving the mainland to return to Puerto Rico, but unfortunately many have lost their ability to speak Spanish fluently. So, in Puerto Rico, the schools may teach Spanish to English speaking children.

- Local education agencies applying for federal funds must consult with an advisory council made up mostly of persons of limited English proficiency. The application must also state that the district will continue to work with this group once the program gets underway.

- The bilingual education program previously funded under the Emergency School Aid Act is transferred to the Office of Bilingual Education. The grants are to aid minority children who come from "an environment in which the dominant language is other than English." In fiscal 1979, this program was funded at $8.6 million. The new authorization is $15 million for fiscal 1980; $20 million for 1981; $25 million for fiscal 1982; and $30 million for fiscal 1983.

- For the rest of Title VII, the law authorizes $200 million in fiscal 1979; $250 million in 1980; $300 million in 1981; $350 million in 1982; and $400 million in 1983. At least $16 million is reserved for training.

Chapter 8

Community Schools

Many school buildings are underused, and not just because of declining enrollments. A city or county parks and recreation department builds swimming pools, playing fields and basketball or tennis courts, while often the same facilities—paid for by the same taxpayers—sit idle on school property. A citizens group, with the help of community contributions, rents or rebuilds a storefront to house a senior citizens center, while the school district has largely unused buildings. A group of young mothers pools their money to rent a room as a day care center, while the district has vacant classrooms. A city or county library can't afford to buy new books, while a modern, well-stocked library is out of reach because it is inside a high school.

These are just some of the ways community projects suffer when they shouldn't. Aggressive citizen groups can get around the problems, but still, hundreds of services in a community are not offered simply because the first hurdle—finding a facility—is never overcome. Senior citizens don't get the courses in retirement planning, the leisure-time activities or the personal health care that could enrich their lives. Young people and old ones don't get to play tennis or swim or get the other recreation they would like. And adults don't have the chance for academic or technical courses that could boost their earnings and increase job satisfaction.

Why? The answer is obvious, but still troubling. School districts are set up to educate children aged 5 to 17 for 180 days each year. That is, of course, no easy task, and each year it seems the definition of "education" gets considerably broader. School boards were created as separate legal entities in most states to ensure that education maintains a distinct and high priority in the use of local tax money. But separation can be as detrimental as it is beneficial. It is detrimental when facilities built with tax funds can't be used to fully benefit those taxpayers who paid for them.

Cooperation among community agencies, or the lack of it, hardly seems a federal matter. But Congress has believed that a little federal money can inspire cooperation where there has been none before. The

Community Schools Act, added to the special projects section in 1974, has been quite popular. USOE has had eight applications for every grant it could award. In fiscal 1979, its appropriation is only $5.4 million. With small grants from the community schools program—the average is less than $40,000—school districts have been able to hire a community education director whose job is to match the needs of the citizens with the resources of the school district.

Under an amendment sponsored by Sen. Harrison Williams, D-N.J., and Rep. Dale Kildee, D-Mich., the community schools program will be greatly expanded and will become the new Title VIII of ESEA. The law says the school is "an integral part" of its community and "may be the best instrument for the coordination of frequently fragmented services." Equally important, the school "is most effective when it involves people of that community" in its educational program.

The purposes of the new Title VIII are:

1. "To provide in collaboration with other public and nonprofit agencies educational, recreational, cultural and other related community and human services, in accordance with the needs, interests and concerns of the community;

2. To coordinate the delivery of social services;

3. To provide for an efficient, energy-conserving use of school facilities, and

4. To provide for a research and development emphasis in community education."

The funding authorization jumps to $78 million in 1979, and to $123 million in 1981.

Besides expanding a creative and popular program, the new Title VIII tries out several new ideas. First, the program is designed to be a true "sunset" law. That is, funding will begin in 1979, continue for five years, and end. Most federal grant programs are simply reauthorized when their original authorization runs out. But, says the Senate committee report, "assuming it (Title VIII) will be sufficiently funded to implement its fundamental purpose . . . the Committee intends that the states and localities assume full responsibility for community education efforts after fiscal 1983." The House and Senate committees actually used the same approach in the Career Education Incentive Act of 1977, but until the five-year period is over, it is impossible to know whether Congress will follow its "intent" to phase out the program. At least in these cases, Congress is actually trying out its long-held belief that the federal role is to encourage and help states and localities to adopt certain education programs, and not to pay all the costs of a program into eternity.

The new community schools program also calls for federal funding to start high and go down, while the state and local shares of the costs gradually increase. The federal share of the cost of projects is to be 80% in 1979, 70% in 1980, 50% in 1981, 30% in 1982 and 20% in 1983. Local education agencies are to pick up 10% of the cost in the first two years and 20% in the final three, while states are responsible for the rest.

The new provision also requires each state to draw up a 10-year plan for the coordination of education programs and community services. The state plan must allot 80% of its federal grant to local education agenvies; must see that community education programs serve all age groups; must include procedures for identifying community needs, and must make "use of existing educational, cultural, recreational, health care and other resources outside the school."

In still another departure from the norm, the new community ed provision says its funds can be used "as part or all of the non-federal contribution required" under other federal programs, so long as the other program is related in some way to community education. (Many federal programs require a state or school district to put up a matching amount of its own money. Usually, the law specifically states that the matching money cannot come from another federal program.) The federal programs to which this new section applies include:

- The Public Health Service Act;
- The Head Start-Follow Through Act;
- Title XX of the Social Security Act, relating to child care and day care;
- The youth employment demonstration programs under CETA;
- The Older Americans Act of 1965;
- The Vocational Education Act;
- The Adult Education Act;
- Titles I and X of the Higher Education Act relating to community services, continuing education and community colleges;

- Titles I through IV and VI through IX of the Economic Opportunity Act;
- The Legal Services Corporation Act;
- The Safe Streets and Omnibus Crime Control Act;
- The science education programs under the National Science Foundation Act;
- The Rehabilitation Act of 1973; and
- "Such other community service programs as the assistant secretary deems appropriate."

How can the money be used? Grants to states or school districts can pay the "federal share of the cost of planning, establishing, expanding and operating community education programs," which include the following:

- "Educational, cultural, recreational, health care and other related community and human services, whether or not in the form of formal courses;
- Activities making the school or other public facilities and equipment available for use by public agencies and private nonprofit organizations, individuals and groups in the community;
- Preventive health, dental care and nutrition;
- Special programs for particular target groups, such as older persons;
- Services designed to eliminate the high incidence of suspension, expulsion and other disciplinary action involving chronically maladjusted students;
- Services for students who withdraw from school before completing secondary school requirements, regardless of age or time of withdrawal;
- Services for mentally or physically handicapped individuals or other health impaired individuals;

- Rehabilitation purposes for juvenile and adult offenders;

- Parent education for care, development and education of handicapped children;

- Training programs in institutions of higher education for the purpose of assisting full-time training for personnel who are engaged in or who intend to engage in community education programs;

- Specialized high schools or schools within schools organized around particular interests such as the arts, or using flexible scheduling and summer learning programs to take into account the special needs of students, or creating relationships between secondary schools and such community resources as museums, cultural centers and institutions of higher education;

- Development of means to use technology to improve the relationship between the school, the home and community resources such as libraries, museums and cultural centers;

- Early childhood and family education grants for programs operated by state and local education agencies and public and private nonprofit agencies or organizations for children below age six, which may include identification of potential barriers to learning, education of parents in child development, family services, education for parenthood programs and referral services;

- Leisure education."

The money will go out through several distinct, but potentially overlapping, authorizations. The first of these is aid to states to implement their state plans. The authorization for this begins at $40 million in 1979, rises to $60 million in 1981 and eventually falls back to $40 million in 1983. Of this, 80% must be passed on to school districts. Money will be distributed to states based on their population.

A second authorization provides money directly to local education agencies for "planning, establishing, expanding and operating community education programs." The projects need not be models, "demonstrations" or the like. Then why fund local projects through both grants to states and direct grants to school districts? Probably so school districts can go around their state department if the two disagree. The authorization for direct grants to local education agencies is $20 million in fiscal 1979, $25 million from 1980 to 1982 and $20 million in 1983. A third

ANNUAL LEVEL OF AUTHORIZATION OF APPROPRIATIONS

[By fiscal years in millions of dollars]

Section No.	1979	[illegible]	[illegible]	1982	1983
1004—Grants to States	40.0	50.0	60.0	50.0	40.0
1009—Grants to local education agencies	20.0	25.0	40.0	25.0	20.0
1010—Grants to governmental and nonprofit organizations	5.0	7.0	10.0	7.0	5.0
1011—National planning	5.0	5.0	5.0	5.0	5.0
1012—Training	5.0	10.0	15.0	10.0	5.0
1013—Research	1.0	1.0	1.0	1.0	1.0
1014:					
Administration	1.0	1.0	1.0	1.0	1.0
National Advisory Council	.5	.5	.5	.5	.5
Information clearinghouse	.5	.5	.5	.5	.5
Total	78.0	100.0	123.0	100.0	78.0

authorization will send grants directly to "public agencies and nonprofit organizations." The funding ceiling for these grants is $5 million in 1979, $7 million in 1980, $10 million in 1981, $7 million in 1982 and $5 million in 1983.

The other sections of Title VIII create separate small funding authorizations for "national leadership," college training for "community education personnel," research and administration. USOE can use up to $5 million per year for "national leadership," which apparently means putting out publications and holding conferences on community education. An authorization ranging from $5 million to $15 million is established to give grants to colleges and universities to provide "full-time and part-time training" for persons interested in working in community education. USOE is also authorized to transfer up to $1 million a year to the National Institute of Education (NIE) for research in community education. NIE is directed to do "an analysis of program impact"—something Congress always asks for and rarely gets—and an assessment of the extent of parent involvement in community projects and their effect on reducing school crime and vandalism. And to show that the community schools program is now in the big time, Congress also created two of the standard by-products of a big program—a national advisory council and a clearinghouse. The nation's capital is replete with national "clearinghouses," which are in reality usually a rather anonymous computer firm that catalogues reports and answers occasional inquiries. The community schools clearinghouse is authorized at $500,000 a year. The Community Education Advisory Council will have 11 members, to be chosen by the HEW Secretary, and has a funding authorization of $1 million a year.

Chapter 9

Title IX: Gifted, Women, Safe Schools, Ethnic Studies

The education of gifted and talented children has sparked a lot of talk but not much action in the nation's capital. Thanks to the Soviet Union and its Sputnik, launched in 1957, Congress took a fleeting interest in gifted children. But the National Defense Education Act of 1958 limited the definition of "gifted" to those with extraordinary potential in mathematics and science. In 1974, the Special Projects Act got a new "demonstration" program for model projects to educate gifted and talented children, but its appropriation has been miniscule. If the general estimate of two million gifted children in the United States is even close, the 1979 appropriation—$2.56 million—is equal to about $1 per child.

The Senate committee has estimated that only 4% of the nation's gifted children are receiving an education that is commensurate with their abilities. The federal government responds to problems, and being gifted has never been seen as a problem. The difference in the amount of federal money spent for education of handicapped and of gifted children is a good illustration. The 1979 appropriation for education for the handicapped was almost $1 billion, about 400 times greater than the appropriation for gifted children. As the Senate report goes on to note, being gifted may not be a problem, but "the talents of the gifted are frequently **potential** talents, and may only be made **actual** through a major effort to identify these children and provide them with necessary instructional programs." It is now recognized that it is a loss to society, as well as to the individuals, not to educate handicapped children to their fullest potential, and with gifted children, also, "there is an implicit, unacceptable cost in leaving this precious resource untapped," the report says.

As with the small Community Schools program in USOE, its Gifted and Talented Program had proven to be extremely popular—at least measured by those who apply for the grants. In 1976, USOE's Office of the Gifted and Talented received more than 400 applications, but could fund only 20 projects. Most of the grants supported model projects or teacher training. A vastly expanded federal program to aid gifted children was pushed by Sen. Jacob Javits, R-N.Y., and Rep. Shirley Chisholm, D-N.Y. With virtually no opposition, their proposals were incorporated into the new ESEA law as a new Title IX-A.

The new section begins with several grand statements. "Congress . . . declares that the nation's greatest resource for solving critical national problems in areas of national concern is its gifted and talented children . . . and unless the special abilities of gifted and talented children are developed during their elementary and secondary school years, their special potentials for assisting the nation may be lost." Further, it says, "gifted and talented children from economically disadvantaged families and areas often are not afforded the opportunity to fulfill their special and valuable potentials, due to inadequate or inappropriate educational services."

The Problem of Identification

How do you know a gifted child when you see one? That has and will continue to be a problem. Every parent seems to believe their child is gifted—at least in some way. There are no absolute or objective means of identifying who is gifted and who is merely bright and above average. Some children develop early and may seem extraordinary for their age, but they are not gifted. Some talents and abilities are well-hidden in young children and don't show up, if ever, until later in their lives. And gifted in what? The child who is gifted in music could be labeled a slow learner if he or she has trouble in reading.

But all the confusion over who is gifted and who isn't can't cover up one fact—there are children with extraordinary potential that should be developed. Congress left most of the identification problem to states and school districts. The law says only that "gifted and talented children" means children "who are identified at the preschool, elementary or secondary level as possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic or leadership ability, or in the performing and visual arts, and, who by reason thereof, require services or activities not ordinarily provided by the school" (Sec. 902).

Two Types of Grants: Through SEAs, Direct to Locals

Again, as with the Community Schools program, the law sets up two main types of grants—one that is funneled through state education agencies (SEAs) and one for "model" local projects funded directly by USOE. Two competing principles seem to be at work. One suggests that states should lead and coordinate this program, just as they do with most federal education aid efforts. But the other is that special local efforts—a cooperative arrangement between a local college and a school district, an active parents groups that has worked with gifted children or a cultural organization that seeks out talented young people—deserve federal support and may be bypassed by a state education agency that devotes its attention exclusively to school districts.

The new program of grants to states was designed much like Title IV—money is distributed to states based on their population, and then allocated to school districts through competitive grants. The state grants are for the purpose of paying "the federal share of the cost of planning, developing, operating and improving programs designed to meet the educational needs of gifted and talented children at the preschool, elementary and secondary levels." This "may include inservice training of personnel to teach such children." Each state is guaranteed $50,000. At least 90% of each state's grant must be passed on to school districts, with up to 10% allowed for "administration, coordination and statewide planning."

Two key limitations were added to the state section. First, the state must assure that "at least 50% of the funds" are used in "programs and projects which include a component for the identification and education of disadvantaged gifted and talented children from low-income families." The two members who proposed this clause are Reps. Shirley Chisholm, D-N.Y., and John Conyers, D-Mich., who represent urban, largely black areas where the academic potential of many poor students can be lost.

The law also includes a clause stating "no federal assistance may be made to a local education agency for a period in excess of five years." Again, Congress is trying to encourage and help start local education programs, but wants the cost to be eventually picked up by state and local governments.

The authorization for the entire program begins at $25 million in fiscal 1979 and rises gradually to $50 million in 1983. Of this, 25% or $5 million, whichever is less, is reserved for USOE to distribute in "discretionary" grants. These may go to states, school districts, colleges and universities or other public and private organizations. The funds may also be used in other ways—"to assist in establishing or maintaining programs;" to "provide for training of personnel" working with the gifted; to "operate model projects for the identification and education" of gifted children; to establish a clearinghouse to gather and disseminate information on programs for the gifted, and to carry on research and evaluation through the National Institute of Education.

Other amendments include:

- **Private school children** must, to the extent possible, get equal benefits from local projects for the gifted and talented. If by law a state can't serve these children, USOE is to bypass the state agency and contract with another organization to serve them.
- If the appropriation exceeds $15 million, up to 1% of the money is to go to **outlying areas**—Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands.
- The program will be administered by an **Office of the Gifted and Talented** in the U.S. Office of Education.

SPECIAL AID FOR WOMEN

The Women's Education Equity Act (WEEA) also was promoted out of the Special Projects section of ESEA and got its own separate authorization. WEEA is now Title IX-C. There couldn't be a more pertinent numbering. Title IX of the Education Amendments of 1972 established the federal policy which prohibits sex discrimination in any education program or activity. As with other federal civil rights statutes barring discrimination by race, handicap or native language, Congress soon followed with a grant program to help affected institutions comply with the law.

For the handicapped, that means a billion dollar a year program. But what can be done to eliminate sex discrimination, especially when the federal appropriation is less than $8 million a year? WEEA has funded a series of "national" projects to develop materials to help school officials comply with Title IX, to "establish communication networks in educational equity" and to help disseminate curriculum materials that show women and girls in non-stereotyped ways.

The House and Senate committee reports had little to say about how a grant might be able to end sex bias, except to report that women's groups believed the WEEA has supported top quality work. The reports do note that if women have come a long way recently, they've still got a long way to go. Consider this—women hold about 2% of the top jobs in education. And, since 1972 the percentage of women enrolled in traditionally male vocational courses has inched up only 1%, to 6%.

Because women are still not getting equal benefits from the American education system, and because the demand for WEEA projects has been great, Congress raised its authorization to $80 million—10 times its current appropriation—and split it off from the Special Projects section. Otherwise, WEEA got only minor alterations. The first $15 million must be spent on "projects of national significance." This merely affirms a policy adopted by the USOE staff running the program who are trying to get a big bang from small bucks.

If there is money left over after the $15 million is spent, 75% of it is to be distributed to local education agencies through competitive grants. (This is probably a smart strategy for putting pressure on the appropriations committees to raise the WEEA budget. If school districts want grants, the appropriation must be well over $15 million.)

Grants are to fund "demonstration, developmental and dissemination" projects of "national, statewide or general significance," including:

1. The development of curricula, textbooks and the like;
2. "Model preservice or inservice training programs" for school staff;
3. Research and development;
4. Guidance and counseling, "including the development of nondiscriminatory tests;"
5. Projects designed to "increase opportunities for adult women; and
6. The "expansion and improvement" of programs for women in vocational education, career education, physical education and educational administration.

Grants may also support, for up to two years, "projects of local significance" to help schools provide equal opportunities for girls and to comply with Title IX.

In addition to the other authorized projects, USOE may give out small grants, up to $25,000, to "public and private nonprofit agencies and individuals" to "support innovative approaches" to achieving equity for women. The National Advisory Council on Women's Educational Programs, one of Washington's most active and aggressive councils, is continued for another five years.

AID FOR "CRIME" CONTROL

Last year, the National Institute of Education (NIE) released what it euphemistically called "The Safe Schools Report," a three-year, $2.4

million study of crime and violence in the nation's schools. Three years before, Sen. Birch Bayh, D-Ind., and his subcommittee on juvenile delinquency held hearings on crime in schools and highlighted the horror stories in some urban high schools. The hearings served their main purpose well—to get headline attention for the subcommittee. Since then, Bayh has moved on to other issues, and the only concrete product of the hearings was the NIE report.

It was intended to confirm the "seat of the pants" estimates that had been put out by the subcommittee. For example, the subcommittee estimated crime and vandalism in school buildings cost more than $500 million a year—a figure that immediately became the accepted cost calculation. After surveying more than 4,000 schools, NIE guessed the actual cost was much lower, certainly below $200 million a year.

Otherwise, the NIE report confirmed the obvious. High schools have more crime than elementary schools, urban schools have more than rural ones, more fights take place in hallways than classrooms, and so on. If research reports like this one are designed to help those who actually have to handle the problem—like a high school principal—they are probably a flop. But if the purpose is to get newspaper headlines and, thus, inspire Congress to do something about the problem, they probably succeed handsomely.

Rep. Mario Biaggi, D-N.Y., citing the NIE study and others like it as evidence of a growing national problem, introduced a "Safe Schools Act" to pump $15 million into the 15 most crime-ridden school districts. (Incidentally, Biaggi represents a sure front-runner in this category—New York City.) The proposal got a lukewarm reception in both the House and Senate. No House member jumped aboard to cosponsor it, and no hearings were held in the House. The proposal was entirely vague about how the problem of crime and vandalism in schools could be solved through extra federal grants. Barbed wire fences, guard dogs and helmeted security personnel may come to mind, but this hardly sounds like a federal education program. Even the name suggests a problem, eventually raised by several members: Safe schools do not need a $1 million grant for crime control, and winning a grant could be seen as evidence that crime is out of control in the area.

Still, despite the lack of interest and the potential for embarrassment, the proposal emerged as part of the final ESEA bill—a new Title IX-D. Overall, the section is amazingly simple—no "comprehensive state plan" for school security, no complicated funding formula, no required "cooperative agreement" with a local college and no directives to set aside 10% of the money for this or 20% for that. Instead, the law authorizes $15 million a year, and USOE is to select 15 school districts to receive the funds. USOE is to "take into full account geographical considerations,'' which presumably means, don't put two grants in one state.

The criteria for selecting the grant winners were broadened a bit to avoid pointing the finger at the worst crime areas. The criteria, in order, are:

1. The ''extent and impact'' of crime in the schools on the district;
2. Whether there is ''an ongoing program aimed at promoting school safety;''
3. ''Financial need;''
4. The ''expense and difficulty of effectively carrying out'' the district's proposed crime control plan;
5. The ''degree to which measurable deficiencies in the quality of public education afforded in such district exceed those'' of others in the state;
6. The quality of the district's proposed plan;
7. The degree to which the district has developed procedures for reporting crime, and
8. The degree to which employes of the local education agency actually report serious crime in the schools (Sec. 944).

Districts are to apply directly to USOE for grants under Title IX-D. The money may be used to

- hire ''additional professional and other staff members'' to combat crime;
- for training or retraining staff in crime control;
- for the development of ''administrative guidelines'' to encourage the staff to report incidences of crime and vandalism;
- for providing information to parents and the public on reducing crime and vandalism;
- for ''planning and evaluation activities;'' and

- for "other specially designed programs or projects."

In addition, funds may be used for the "minor alteration" of school facilities, including the installation of security equipment, but this may not exceed 10% of the grant.

ETHNIC STUDIES

The 1960s were a time for "liberation movements." A series of groups emerged, and all demanded to be heard and to be respected. The obvious examples are blacks, women, homosexuals, Chicanos and Indians. Another such group, although less vocal, were the "ethnics" —the so-called "hyphenated Americans" whose families, within the previous few generations, had immigrated here from Italy, Poland, Japan, Greece, Lithuania, Croatia, Armenia or a hundred other nations. The causes of ethnic Americans gained attention through the work of author Michael Novak and his book, *The Rise of the Unmeltable Ethnics*. Appropriately enough, Novak is a member of the National Advisory Council on Ethnic Heritage Studies.

Novak's thesis about American ethnics being unmeltable is questionable. By the second and third generation, many of the sons and daughters of immigrant families have enthusiastically joined the American middle class, and their ethnic heritage is sometimes reserved for Sunday morning church services and grandmother's cooking. But Congress felt some pressure to do something for ethnics, and, in 1974, established a small Ethnic Heritages Studies program.

If Congress were to start all over again with a "zero-based budget," the Ethnic Heritages program could be dropped. But when you consider the billions of dollars in federal grant money directed to other "minorities," the Ethnic Heritages program seems a drop in the financial bucket. And it surely is. The appropriation has hovered around $2 million. The Senate would have likely dropped it altogether were it not for Sen. Richard Schweiker, R-Pa., a man of German heritage and who is also the representative for two cities who are among the nation's great ethnic casseroles—Philadelphia and Pittsburgh.

The ESEA amendments of 1978 extend the Ethnic Heritages program without significant changes. The funding authorization is set at an unrealistic $15 million a year. The purpose of the program is stated as follows: "In recognition of the heterogeneous composition of the nation, and of the fact that in a multi-ethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic and committed populace, and in recognition of the principle that all persons in the educational institutions of the nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this part to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of other ethnic groups and of the nations."

Grants may be used:

- "To develop curriculum materials for use in elementary or secondary schools . . . relating to the history, geography, society, economy, literature, art, music, drama, language and general culture" of an ethnic group;
- For the dissemination of these materials;
- To provide training in the use of such materials;
- To assist an organization in "promoting, encouraging, developing or producing programs" related to ethnic heritages.

School districts, colleges or "any public or private nonprofit agency or organization" can apply directly to USOE for grants. Grants are awarded competitively, and USOE tries to spread the money among the many competing groups. The small, low budget National Advisory Council is continued, which, according to Edward Meador, USOE's director of international education, prevents the competition for the small number of Ethnic Heritages grants from breaking out into another Balkan War.

Chapter 10

Impact Aid

Impact aid is the best of the federal education aid programs in the view of some, and the worst in the eyes of others. Every President since Harry S. Truman has tried to cut its appropriation—with no success. School administrators often like it best simply because it has no strings tied to it. The money is an addition to its general revenue. For about the same reason, the White House and some members of Congress don't like it. While the federal policy in education has been to add extra money for special groups—the disadvantaged, the handicapped or the non-English speaking—impact aid stands alone as general aid to education.

Since it began in 1950, the impact aid appropriation has grown like a weed. In 1951, impact aid (P.L. 81-874) got an appropriation of $29 million. By 1978, it had soared to $770 million. The number of eligible districts has grown from 1,172 to more than 4,300, and the average local contribution rate (the reimbursable cost per student) grew from $106 to $615. About one in four school districts get impact aid, and the total number of "federally connected children" is 2.5 million. Some districts receive as much as $20 million a year.

The geometric growth of impact aid has raised philosophical questions. When impact aid began, it had a clear and simple purpose—to reimburse school districts for revenue lost due to having tax-exempt federal installations on their otherwise taxable land, or to having military personnel as residents who didn't pay local taxes. But as the federal government has grown, the program has increasingly reimbursed school districts for the sons and daughters of federal white collar employees. And what is the "burden" they impose on a school district? These employees pay local property taxes and state income taxes. Of course, a city doesn't collect property taxes on a federally owned office bulding, but, if forced to choose between a steel mill and a federal office building, most communities wouldn't consider the office building an inordinate burden.

And not all communities getting impact aid payments even lose the property taxes from having federal, tax exempt property. Many federal employees working in Washington, D.C., live in the suburbs of Maryland and Virginia and send their children to school there. Those school districts were eligible for impact aid payments, but the city of Washington suffers the "impact." The phenomenon of Montgomery County, Md., and Fairfax County, Va.—two of the nation's most affluent counties getting huge amounts of impact aid money has been endlessly cited as evidence that the program needs to be drastically cut.

Impact aid also wins the award—hands down—for being the most complicated federal education program. After Napoleon's troops found the Rossetta Stone in 1792, French scientists were eventually able to decipher the hieroglyphics of ancient Egypt. If they had discovered the impact aid law and its regulations, the scientists would probably still be at work. After the 1974 ESEA amendments, USOE had to make up to 32 computations to figure out a district's entitlement, and up to 32 more to calculate its actual payment. The House and Senate committee reports note that the 1974 amendments made a "simple program into a relatively complicated one." But many of the USOE changes were added to counter criticism of impact aid. For example, to offset the "Montgomery County" phenomenon, payments for children whose parents worked outside the state were eliminated, and were reduced for those working outside the county. Children connected in some way to a federal operation were divided into two types: those whose parents live **and** work on federal property, and those whose parents live **or** work on federal property. The classic example of a federal impact is the first group, called "A" students. The second group, which may or may not be a true burden for school districts, is the "B" students. In 1977, there were 360,000 "A" students and 2.1 million "B" students.

A district's impact aid entitlement is calculated by multiplying the counts of these children by the local contribution rate. This rate can be either the average local cost for education in "comparable" districts, or one half the state or national average per pupil expenditure. The district is "entitled" to a full payment for "A" children and a half payment for "B" children.

Since 1967, the impact aid appropriation has not been sufficient to fund all the entitlements. This led to the so-called "tier system," which was essentially a way to force the appropriations committees to fund as much as possible and to spread the money around. Funding through Tier I meant Congress would be paying for 25% of all the entitlements. The appropriations committees could then choose to fund all or nothing in Tier II, which took the total up to 100% of the military "A" entitlements, but a lesser percentage of the others. Tier III was a proportional funding of all the entitlements that were still left.

Impact aid not only causes an annual fight between the President and Congress, but it is also now causing an increasingly bitter fight between the appropriation and authorizing committees. Not surprisingly, the Senate Appropriations Committee, under Sen. Warren Magnuson, D-Wash., and the House subcommittee on Labor and HEW appropriations, chaired by Rep. Daniel Flood, D-Pa., don't like to have their hands tied. So last year, Magnuson simply chose to ignore the language of the impact aid law. To fund Tier I and Tier II would have required $856 million for fiscal 1979, but Magnuson's committee, and the full Senate, voted only $799 million. In a conference with the House, the total was raised to $816 million, still well below what the law appeared to require. And this battle is far from over. The new law gives the appropriations committees more leeway in cutting the impact aid appropriation, but probably not nearly enough to satisfy Magnuson. Staff members on the appropriations committees are already saying they expect to challenge the funding totals—and priorities—set in the reauthorization of impact aid.

Moving through the subcommittees and full committees of the House and Senate in 1978, impact aid seesawed up and down. In the House subcommittee, Democrats got together before the open mark-up of the bill, and then charged in with a series of amendments to greatly expand the program. HEW Secy. Joseph Califano Jr. had proudly noted that his recommended cuts used a "scalpel, not a cleaver," and suggested Congress might go along with his approach to gradually cut back the impact aid authorization. Wrong. In what was probably record time—about 20 seconds—Rep. William Ford, D-Mich., introduced a motion to consider all the Carter Administration's proposed amendments in a block, and vote them down. Then, Rep. Cecil Heftel, D-Hawaii, introduced 14 amendments in succession, which had the effect of increasing the total authorization by about $200 million. While the new authorizations would not be translated immediately into more funds, they would eventually have the effect of pressuring the appropriations committees to come up with more.

During the Senate debate on this change to impact aid, Magnuson, who has been chairman of the Commerce committee as well as chairman of the subcommittee on Labor-HEW appropriations, stated the relationship between authorizations and appropriations. "If we appropriated all the money that has been authorized by Congress in all fields, including HEW, I still say that a U.S. marshal would go downtown and put a sign up on the U.S. Treasury saying, 'This bank is broke. Come back after we go through bankruptcy.' But authorizations do have a great deal to do with appropriations. We take a good look at the wishes of the legislative committee. They (authorizations) are not only ceilings, but are directives, and we understand that."

The 14 amendments included:

1. eliminating "all distinctions in entitlements and payments based on the location of the federal property upon which civil employees work" (meaning Montgomery County workers would get a full payment for their children);
2. increasing the entitlement for "B" students in districts near military bases;
3. ending the "absorption" clause, which said districts would get no payments for the first 3% of their federally connected children;
4. counting children living in low-rent public housing the same way military children are counted;
5. considering embassies and other property owned by foreign governments as federal property;
6. adding federally owned postal facilities as federal property counted for impact aid, and
7. treating handicapped students attending special schools outside the district as if they were enrolled locally.

Rep. Carl Perkins, D-Ky., while voting for the changes, admitted they will "add a whole lot of cost" to the program. Ranking Republican Rep. Albert Quie called them a "monstrosity." Down at the end of the table sat Rep. William Goodling, R-Pa. A junior Republican on the subcommittee (which is approximately equivalent to being the 12th man on a basketball team), Goodling voted against the first several amendments, but finally gave up. "I didn't even hear the train whistle coming," he said as he left the room.

But the Carter Administration and some members of Congress rallied against big increases in the impact aid authorization and gradually chipped away at them. The final bill emerging from the House and the Senate had few of the costly increases left in it. The most significant change is adding children who live in public housing. Since 1974, these children have been eligible for impact aid in Tier I and Tier III; but since Tier III has never been funded, this meant almost nothing. The new law puts them into Tier II as well. Said Ford in advocating the change, "We've (the federal government) been pushing communities for years to build more public housing units. It's about time we put our money where our mouth is and helped pay the cost of educating these children."

The appropriations committees may also challenge this funding priority. Staff members on these committees have said privately that some members think this is a bad idea. If Congress wants to help out school districts with poor children living in public housing, it should do so—but not in the guise of the impact aid law, they say. The Carter Administration fought hard against this increase in the authorization for children in public housing, and should be expected to continue the fight over the next few years. The President's Office of Management and Budget (OMB) calculated the cost at $117 million a year and argued, in a letter to Senate Human Resources Committee Chairman Harrison Williams, that "Title I is a better way to distribute additional funds to low-income children." Big increases in the Title I appropriation require the Congress to accept "modest reforms" in impact aid, not big increases, said OMB Dir. James McIntyre. Assuming Congress had only $117 million to add to its education budget (an assumption many educators and lobbyists would rather not accept), Title I is a more fair way to distribute the money, he said. The chart prepared for the Senate showed that 35 states would do better using Title I than using impact aid/public housing. The Administration has had its troubles with Congress, but it **can** count, and 35 states doing better translates into 70 votes in the Senate. So, the Senate voted down this change in the impact aid law. But, in the House-Senate conference it was restored. So the new ESEA law **does** put children living in public housing into Tier II of impact aid. Since the Administration and many members of the appropriations committees think it is a bad idea, this is an issue to watch in the coming years.

Reducing the Authorization

If the Senate lost one on public housing, at least for now, it won one on reducing the impact aid authorization. Sen. Henry Bellmon, R-Okla., a senior member of the Budget Committee, introduced an amendment that, he said, would do away with the tier system. "Congress and the appropriations committees should have the right every year to look at not only the spending levels for this program, but for other programs as well," Bellmon said. "One of the reasons why we find ourselves in such a financial bind is that we have locked in so many entitlement programs—or, in this case, tiered programs—that we do not have the flexibility we need to adjust the funding levels to the needs of the various programs as the years go by." Sen. Pell opposed the amendment, saying the tier system gives school districts "a measure of certainty" about the amount of impact aid they will receive. Bellmon won, 57-35. But one problem arose. His amendment actually referred

CHART 3

Impact Aid by State, 1979 and 1980

Column A is based on a fiscal 1980 appropriation of $741.3 million, the amount needed to cover Tier I and 65% of Tier II. Column B is based on $674 million, the amount actually appropriated in fiscal 1979 to be sent to the states. (All figures compiled by the Congressional Research Service.)

	Fiscal '79	Fiscal '80
Alabama	9,982,000	12,680,000
Alaska	51,561,000	46,357,000
Arizona	27,831,000	27,562,000
Arkansas	3,926,000	4,249,000
California	92,428,000	90,961,000
Colorado	13,785,000	14,096,000
Connecticut	5,329,000	6,363,000
Delaware	517,000	870,000
District of Columbia	4,312,000	5,867,000
Florida	22,468,000	23,186,000
Georgia	12,311,000	15,479,000
Hawaii	14,598,000	13,210,000
Idaho	4,821,000	4,823,000
Illinois	15,160,000	19,469,000
Indiana	3,133,000	3,740,000
Iowa	738,000	776,000
Kansas	7,531,000	6,995,000
Kentucky	3,187,000	4,183,000
Louisiana	5,286,000	7,113,000
Maine	3,336,000	3,171,000
Maryland	24,270,000	25,250,000
Massachusetts	8,375,000	9,325,000
Michigan	7,811,000	8,130,000
Minnesota	4,131,000	4,845,000
Mississippi	4,491,000	5,073,000
Missouri	8,645,000	8,948,000

Montana	9,235,000	9,016,000
Nebraska	7,544,000	7,327,000
Nevada	5,078,000	5,216,000
New Hampshire	2,380,000	2,591,000
New Jersey	13,714,000	17,204,000
New Mexico	22,831,000	22,761,000
New York	38,333,000	64,362,000
North Carolina	11,597,000	14,062,000
North Dakota	6,689,000	6,293,000
Ohio	11,103,000	14,591,000
Oklahoma	17,718,000	18,684,000
Oregon	4,116,000	4,242,000
Pennsylvania	10,266,000	16,275,000
Puero Rico	8,773,000	15,011,000
Rhode Island	2,115,000	2,346,000
South Carolina	10,214,000	10,129,000
South Dakota	7,797,000	7,656,000
Tennessee	8,423,000	10,706,000
Texas	37,990,000	39,801,000
Utah	9,124,000	9,195,000
Vermont	193,000	246,000
Virginia	40,642,000	41,758,000
Washington	20,334,000	20,618,000
West Virginia	613,000	843,000
Wisconsin	3,028,000	3,548,000
Wyoming	4,187,000	4,169,000

CHART 4

Impact Aid for 10 Largest Districts, 1979 and 1980

Note: Cities with large numbers of children living in public housing, such as New York and Chicago, get a huge increase, while those with large military bases, such as Hawaii, lose.

Rank	School System	Fiscal '80	Fiscal '79	Difference
1	New York, N.Y.	46,669,000	22,595,000	+24,074,000
2	Los Angeles, Calif.	4,930,000	3,369,000	+ 1,561,000
3	Chicago, Ill.	7,417,000	3,316,000	+ 4,101,000
4	Philadelphia, Pa.	6,913,000	3,816,000	+ 3,097,000
5	Dade County, Fla. (Miami)	2,579,000	2,334,000	+ 245,000
6	Detroit, Mich.	1,360,000	753,000	+ 607,000
7	Houston, Texas	635,000	412,000	+ 222,000
8	Hawaii (entire state)	13,210,000	14,598,000	– 1,389,000
9	Baltimore County, Md.	3,193,000	1,811,000	+ 1,381,000
10	Prince George's County, Md. (Upper Marlboro)	5,507,000	5,840,000	– 333,000

only to Tier II. So the Senate, without knowing it, voted merely to eliminate the second tier. This issue was debated long into the night during the House-Senate conference on ESEA. The final compromise said Congress would have to fund 65% of Tier II. This opens up impact aid to a fairly significant reduction, but keeps the program from being completely dismantled.

Next to the adding of children living in public housing and the reduction in Tier II, the other amendments to impact aid were minor:

- **Heavily impacted districts.** About 3% of the impact aid districts surround military bases and are classified as "heavily impacted." They account for about 25% of the total entitlement. These districts are, of course, the most hurt by fluctuations in the impact aid appropriation, so, in 1974, Congress guaranteed that all the districts in which 25% of the students were military "A" children would get a full payment for these children through Tier II. This year, Congress agreed to lower the classification to 20%. If any district has at least one in five students whose parents live and work on federal property, the district is guaranteed a full payment for these students. And for these same districts, Congress raised the entitlement for military "B" students from 60% to 100% in Tier II.

- **Absorption.** One often-suggested way of cutting impact aid is through an absorption clause. As such, a district would get no payment for the first 400 students from federally-connected families, or if federally-connected students made up less than 3% of the school enrollment. In 1974, Congress put just such a clause into the law. This was to go into effect in 1978, but it never did. HEW interpreted the language of the law to mean a district would have to absorb the number of "B" students that constituted 3% of its total enrollment. But the congressional committees said the law actually referred to absorbing 3% of the "B" students. HEW's interpretation would cut payments by $42 million, while the congressional interpretation would mean a $5 million cut. Take, for example, a district with 1,000 "B" students and a total enrollment of 5,000. HEW said the district should get no payment for 3% of the 5,000 students, or 150 students. Congress thought the district should get no payment for 3% of the 1,000 students, or 30. Fed up with the confusion over this and believing that many districts were already being shortchanged on impact aid, Congress simply repealed the absorption clause. "School districts are already not being paid adequately by the federal government for these children, and there is no need to increase this burden," the Senate committee report said.

- **Out-of-state, out-of-county students.** The impact aid entitlement for these students is unchanged. Students whose parents work on federal property outside the state (e.g., living in Montgomery County, Md., and working in Washington, D.C.) are not eligible for impact aid. The entitlement for out-of-county students is 45%. The House bill had called for again making out-of-state students eligible for aid and for treating out-of-county students the same as regular "B" students. But with the Administration threatening to veto the bill if this were included, Committee Chairman Perkins engineered a move to return the House bill to the language of the original law.

- **Speedier payments.** Many school districts complain that impact aid payments are regularly late. Some say payments arrive 12 to 15 months after the end of the fiscal year. To remedy this, the new law requires USOE to send out 75% of a district's payment during the first 30 days of the fiscal year. This estimate is to be based on the district's payment during the previous year. However, it says, "If it is determined later that the school district is not entitled to these amounts, it must, of course, pay them back."

- **Equalization.** In the 1974 amendments, Congress said states could begin counting impact aid payments in their equalization formulas. Since these payments are used as general revenue, it was felt that they should be counted in any formula allocating general revenues. But, as with the absorption clause, USOE's way of implementing this idea has become mired in controversy and confusion. One set of proposed regulations were rejected as "too strict and impractical" by the House committee. This time, Congress said it "desires to reaffirm its original intention" to have impact aid payments counted when figuring local revenues, but added that each state must notify districts that it intends to do this, and must give districts an opportunity to present their views on a formula to be used.

- **Handicapped children.** The 1974 impact aid amendments set the entitlement for handicapped children of "federally connected" parents at 150% of their regular entitlement. But two problems arose. First, many of these children were sent to special schools outside the area, denying them impact aid payments. The new law says the district is entitled to a payment for the child if it is paying all or part of the tuition for the special program. Second, the 150% payment was still not enough. The new law says USOE is to pay the full "excess cost" of educating these handicapped children.

- **Embassies.** In New York City and Washington, D.C., foreign embassies consume a substantial amount of property that is tax free. The new law says "any property owned by a foreign government or by an international organization which . . . is not subject to taxation" will be considered federal property. This makes the school district eligible for impact payments for the sons and daughters of embassy employees. The estimated cost was about $2 million.

- **Construction.** Impact aid also provides funds for constructing new schools and rebuilding those destroyed by natural disaster. But the demand for construction funds has far outstripped the appropriation. USOE has a backlog of applications for its $845 million in this area. The House and Senate committees did not rewrite the construction section, but both urged the appropriations committees to come up with more money for it. To the language about construction of school facilities, the committees added the words "leasing, renovating, remodeling or rehabilitating." Witnesses before the committees also complained about USOE's lackadaisical handling of requests for "pinpoint disaster" aid. The new law says USOE must either approve or disapprove an application within 60 days of its being filed. If it doesn't, HEW must "assume responsibility" for the application and complete it within a total of 90 days.

- **Study.** The new law also calls for the President to appoint a Commission on the Review of the Federal Impact Aid Program, whose 10 members will "review and evaluate" the entire program. The commission's report, along with suggestions for changes in the law, is due Dec. 1, 1979. The three areas to be looked at are the "equity of the present funding structure" under the impact aid law; the "relative benefit" of providing aid through this program rather than another federal education program; and "ways in which districts . . . can best be assisted" through impact aid.

Chapter 11

Changes in Other Education Programs

Indian Education

The Education Amendments of 1978 also make some relatively minor changes in a series of other education programs. The greatest number of changes come in Indian education, an area where the House and Senate committees found much to be displeased with. An ad hoc House subcommittee, led by Reps. Michael Blouin, D-Iowa, and Albert Quie, R-Minn., spent several months investigating Indian education programs. The panel held 18 days of hearings in Washington, D.C., and made six trips out to visit Indian schools as far away as northern Alaska. Their findings, most of which appear in the House committee report, are disturbing but familiar. The subcommittee's report is yet another bitter denunciation of the Bureau of Indian Affairs of the U.S. Dept. of the Interior. The subcommittee found school buildings that ranged from inadequate to dangerous; school programs run by noneducators; federal funds distributed in a haphazard way; a personnel system that "breeds delays and vacancies," and an administrative structure that had little apparent concern for the quality of education given to Indian children.

"These inexcusable conditions exist despite repeated criticisms and recommendations for change made by government and private organizations stretching over a 50-year period," the House committee report says. "Bureau employes, Indian and nonIndian alike, still support the outdated concept of 'doing things for the Indians.' Congress must take immediate steps to see that this misguided policy . . . is changed forthwith."

The key changes in the Indian education law center on getting more power into the hands of local Indian groups and the parents of Indian children. The impact aid law relating to American Indians is also changed, to put more money in Indian schools. The entitlement for Indian children under impact aid is raised to 125% of that of category "A" students. This will direct an estimated $18.5 million more to those public schools educating Indian children. The House committee report notes that this extra money, as with all impact aid money, should be used for "the support of basic education" and should not be used to "establish special segregated programs" for Indian children, except when they are so far behind their peers as to need remedial education. The impact aid law will now require school districts to give tribes and Indian parents a chance to comment on education programs, and they should be "actively consulted and involved in the planning and development of programs" assisted by these extra impact aid funds. Parents or tribes may appeal an action of the local education agency to the U.S. Commissioner of Education, and may even seek to split themselves away from the public school district (Sec. 101).

The second part of the amendments to Indian education (Title XI-B) concern schools run by the Bureau of Indian Affairs (BIA). The law requires new federal standards for school facilities and dormitories housing Indian students; gives local Indian councils the powers of a local school board; gives educators both in BIA and in local school areas more control over policy; sets up a detailed new personnel system to see that vacancies are filled quickly with well-qualified educators, and restates the congressional intent that "self-determination" for Indians is the most important principal for BIA to follow (Sec. 1121).

The law also makes several changes in the Indian education act. Where the act had allowed the use of federal funds to meet the "special educational needs" of Indian children, the 1978 amendments add "culturally related academic needs" to it. Up to 10% of the total Indian education appropriation may be used for "demonstration" projects to improve Indian education. Parent committees in schools with large numbers of Indian students would get new powers. And HEW is directed to carry out a study of possible changes in the definition of "Indian" (Sec. 1141).

Title XII: School Finance Equalization

Next, Title XII makes several administrative changes that apply to **all** federal education programs. The first changes concern one of House committee Chairman Carl Perkins' pet interests—the equalization of school financing. The amount of money spent per child on public education is vastly different across the country, and even within states. As Perkins has said, the richest school district in his state of Kentucky spends three times as much per child as does the poorest one. But he has never had enough support in Congress to really do something about it, because the cost to the federal government has always been judged to be too high. So Congress has nibbled at the edge of the problem by, for example, giving states money to plan to "reform" their financing systems. The 1978 amendments add three new steps. First, the National Center for Education Statistics (NCES) would be required to collect "uniform data from the states on the financing" of public education. Each year, NCES is to publish a profile of each state showing the extent to which it has equalized funding among school districts. Second, Congress authorized another $4 million to help states "in planning and implementing" changes in their financing system. Finally, the law establishes an HEW Advisory Panel on Financing Elementary and Secondary Education, which is to carry on a series of studies to help "understand and analyze trends and problems" in the financing of public schools (Sec. 1201).

Attacking the Paperwork Explosion

The committees also made another stab at reducing paperwork. The law authorizes a Federal Election Data Acquisition Council, which is to ride herd on all data requests going to schools and to "eliminate excessive detail and unnecessary and redundant information requests." However, this merely reaffirms and gives greater clout to the effort already going on in HEW. NCES has been in charge of regulating the flow of paperwork requests sent to schools, but, in the opinion of Congressional staff, it hasn't done an especially effective job. The new Council will have more authority and—hopefully—more success. As the House and Senate committee reports point out, "The lack of a central coordinating agency or of an automated index system . . . results in the same data being collected repeatedly. For example, the Commission on Federal Paperwork found instances where the Labor Department, HEW and [illegible] requested identical materials from an educational institution."

Several other amendments should help clip the paperwork problem. By February 15 of each year, HEW must have released all the data requests that will go out in the following school year, except when there is "an urgent need . . . or a very unusual circumstance" that require extra information to be collected. Education agencies are directed to use "sampling techniques" whenever possible to cut down the number of schools which have to reply. HEW is also directed to develop "an automated indexing system" to keep track of what information has already been gathered. And, further, HEW must come up with "standard definitions . . . and consistent terms" so that the same information will not be collected under a different name (Sec. 1211). All these requirements become part of the General Education Provisions Act.

National Assessment of Educational Progress

The National Assessment of Educational Progress (NAEP), which operated for more than a decade through a no-bid contract with the Education Commission of the States (ECS), has been transferred from NCES to the National Institute of Education (NIE). There is no mere organizational shuffle. NCES caused a storm of controversy last year when it announced that it would no longer give the NAEP contract to ECS, but instead, would open it up for bids. Although its reasons were clouded, most education groups immediately saw this as a move to get more federal control over a supposedly independent national testing program. The Senate Committee report says NCES officials "have shown a disregard and insensitivity to the fears of federal control" over the testing program, which were supposed to have been alleviated in a 1969 Memorandum of Understanding between education groups and USOE. The law says NIE should carry out the National Assessment through a "grant or cooperative agreement," not a contract, with a "nonprofit education organization." NCES had wanted to sign a contract with the lowest bidder, perhaps a private computer or testing company. The Senate committee makes it clear that NIE could take bids before giving out the grant, but the language of the law gives a big edge to ECS (Sec. 1242).

Nonpublic Education

The law establishes within USOE an Office of Nonpublic Education. It will be headed by a Deputy Commissioner for Nonpublic Education. This is another of the many provisions in the revised law to soothe private school officials and to "ensure the maximum potential participation" of private school children in federal aid programs (Sec. 1241).

Pupil Rights

After passing the "Buckley Amendment" in 1975 to protect the privacy of student records, Congress expanded those rights somewhat this year to cover protection from intrusive investigations. "No student shall be required . . . to submit to psychiatric examination, testing or treatment, or psychological examination, testing or treatment" which is intended to reveal information about "(1) political affiliations; (2) mental and psychological problems potentially embarassing to the student or his family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) critical appraisals of other individuals . . . who have close family relationships; (6)

legally recognized privileged . . . relationships such as those of lawyers, physicians and ministers; or (7) income (other than that required by law to determine eligibility for participating in a program . . .), without the prior consent of the student . . . or the parent" (Sec. 1250).

Literate Consultants

"The administrative head of an education agency shall ensure that, in contracting . . . for the services of independent persons in the competitive review of grant applications, all such persons are qualified by education and experience." Why was this added to the law? The reason is because a $100-a-day consultant once wrote an illiterate analysis of a proposed reading project in Hopewell, Va. The consultant concluded his report by stating that the project's "objectivities did not specify to the quantifiable." Rep. Robert Daniel, R-Va., then recommended the new language be added to the law, and how can you argue with a requirement that consultants be reasonably literate? (Sec. 1244)

Maintenance of Effort

All federal aid programs require that the money "supplement, not supplant" local and state funds spent for education. This requirement spawned the legal jargon, "maintenance of effort." School districts were required to maintain the local spending level when they got a federal grant. In 1976, Congress allowed a waiver of this requirement in the case of "very exceptional circumstances." The new ESEA law extends that provision. State and local spending can be calculated on the basis of "per pupil or aggregate expenditures" (this to take care of declining enrollments). Total spending may decline as long as it stays the same per pupil. And this requirement may be waived due to "exceptional and unforeseen circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local education agency." Apparently, California's Proposition 13 counts as such an "unforseen circumstance." However, the House committee urges USOE to enforce this provision more tightly and to not allow continual, even if small, declines in local and state education spending (Sec. 1249).

Adult Education

Federal support for adult education, begun in 1964, has increased by 17 times since then. Since 1966, 1.4 million adults have achieved an eighth grade education through the program, and since 1970, more than 900,000 have completed the equivalent of a high school education. The fiscal 1979 appropriation for adult education is $100 million. The revised law says the purpose of the program is to help adults "acquire the basic skills necessary to function in society," complete a high school education if they wish and get job training. Those eligible to run the programs are "public or private non-profit agencies, organizations and institutions" which have "consulted with" the local educational agency in the area. The revised law directs that more attention be given to adult Indians and to immigrants. The total authorization is increased gradually to $290 million in 1983 (Sec. 1301).

Teacher Centers

Teacher Centers, begun with the 1976 Education Amendments, got an appropriation of $12.6 million in fiscal 1979. This year, Congress raised their authorization to $100 million and said that if the appropriation exceeds $50 million, USOE must establish at least one center in each state. The law also clarifies several points. It specifically states that several school districts working together, a "consortium of local education agencies" or a state agency may apply for a teacher center grant. And a school district may submit an application to USOE even if it has been disapproved by the state agency (Sec. 1321).

Indochinese Refugees

The law extends the authority for special federal grants to help school districts feeling the influx of refugees from Vietnam. But the language of the law was changed a bit to make states or school districts demonstrate the need for the money. Where once they were "entitled" to the funds, the law now says they are "eligible to receive" them. Districts must "demonstrate" that the "costs of the additional services . . . are the direct result of the presence of Indochinese refugee children" (Sec. 1331).

Handicapped Count

The Education for All Handicapped Children Act of 1975 (PL 94-142) stated that school districts must count the number of handicapped children they have enrolled on the dates October 1 and February 1 of each year. This count determines both the total federal authorization and the amount of money going to each state and local education agency. The actual count has turned out to be far below what Congress and USOE had expected. There are many reasons for this, the most apparent one being that the original estimates were way off base. But one technical problem concerned the October 1 count. Some school officials have said this was too early in the year to get an accurate reading because handicapped students must be thoroughly evaluated before they are placed in special programs. The October 1 count, they say, likely understated the true number of handicapped students enrolled in schools. To remedy that, the law says there will be only one count each year, and it will be taken on December 1 (Sec. 1341).

Census Data

One persistent headache for congressional education committees is the lack of reliable data about children and school districts. The U.S. Bureau of the Census only compiles data to the county level. The Title I allocation, for example, is based on the number of poor children in a school district. Since many counties have several school districts, federal and state officials must gather other information to allocate the money to districts. Congress has now said the census bureau should compile information for the 1980 census by school districts (Sec. 1521).

Appendix

Cost Estimates
Education Amendments 1978

[By fiscal years; in millions of dollars]

	1979	1980	1981	1982	1983
AUTHORIZATION LEVELS					
Title I: Amendments to the Elementary and Secondary Education Act of 1965:					
Title I—Grants for the disadvantaged	6, 205	6, 626	7, 087	7, 597	410
Title II—Basic skills and educational proficiency	69	170	171	172	172
Title III—Special projects	158	136	142	144	146
Title IV—Educational improvement, resources, and support	929	929	929	929	129
Title V—State leadership	204	211	219	229	
Title VI—Emergency school aid		425	425	425	425
Title VII—Bilingual education	232	284	336	386	436
Title VIII—General provisions					
Title IX—Ethnic heritage programs	15	15	15	15	15
Title X—Community schools	78	100	108	100	78
Title XI—Women's educational equity		80	80	80	80
* Title XII—Nonpublic educational assistance	500	500	500	500	500
Title II: Impact aid	1, 472	1, 582	1, 695	1, 817	1, 951
Title III: Extension of related education programs:					
Adult education	333	320	346	372	
Indian education	663	714	766	822	884
Teachers training	100				
Title IV: General provisions	46	67	92	92	92
Total	11, 003	12, 158	12, 909	13, 679	5, 315
PROJECTED COSTS					
Title I: Amendments to the Elementary and Secondary Education Act of 1965:					
Title I—Grants for the disadvantaged	459	4, 337	6, 227	6, 963	6, 886
Title II—Basic skills and educational proficiency	45	131	166	170	171
Title III—Special projects	102	135	140	143	145
Title IV—Educational improvement, resources, and support	143	678	890	929	847
Title V—State leadership	15	142	199	217	209
Title VI—Emergency school aid		72	366	417	425
Title VII—Bilingual education		186	326	376	426
Title VIII—General provisions					
Title IX—Ethnic heritage programs	10	14	15	15	15
Title X—Community schools	51	88	104	102	86
Title XI—Women's educational equity		52	76	80	80
Title XII—Nonpublic educational assistance	86	235	435	500	500
Title II: Impact aid	957	1, 470	1, 650	1, 768	1, 898
Title III: Extension of related education programs:					
Adult education	48	217	301	311	335
Indian education	172	643	725	778	835
Teachers training	65	30	5		
Title IV: General provisions	30	56	81	93	92
Total	2, 182	8, 487	11, 705	12, 841	12, 950

Note: Figures may not add due to rounding. The costs of this bill fall within budget function 500.

* Dropped from final bill

Fiscal 1979 Education Appropriations

Office of Education	Appropriations Fiscal Year 78	Appropriations Fiscal 1979	Fiscal Year 1979 Compared to Fiscal Year 1978
ELEMENTARY AND SECONDARY EDUCATION			
Grants for disadvantaged children (Title I):			
Grants to local education agencies........	2,372,760,000	2,686,661,000	+313,901,000
State agency programs.....................	332,500,000	344,500,000	+22,000,000
State administration......................	27,490,000	31,515,000	+4,025,000
Evaluation and studies....................	12,250,000	15,706,000	+3,456,000
Subtotal..............................	2,735,000,000	3,078,382,000	+343,382,000
Support and innovation grants:			
Basic grants..............................	190,000,000	190,000,000	---
Hold harmless.............................	7,400,000	7,400,000	---
Subtotal..............................	197,400,000	197,400,000	---
Bilingual education:			
Grants to school districts................	81,000,000	89,000,000	+8,000,000
Training grants:			
Inservice training.....................	12,975,000	13,350,000	+375,000
Other..................................	24,000,000	29,625,000	+5,625,000
Subtotal..............................	36,975,000	42,975,000	+6,000,000
Materials.................................	10,000,000	10,000,000	---
Grants to State agencies..................	4,375,000	4,875,000	+500,000
Advisory council..........................	150,000	150,000	---
Information clearinghouse.................	500,000	1,000,000	+500,000
Model replication and studies.............	2,000,000	2,000,000	---
Subtotal, Bilingual education.........	135,000,000	150,000,000	+15,000,000

Right to Read	27,000,000	27,000,000	---
Follow Through	59,000,000	***	***
Drug abuse education	2,000,000	***	***
Environmental education	3,500,000	***	***
Educational broadcasting facilities	19,000,000	***	***
Ellender fellowships	750,000	1,000,000	+250,000
Ethnic heritage studies	2,300,000	2,000,000	-300,000
Subtotal, Elementary and secondary education	3,097,450,000	3,455,782,000	+358,332,000
Unauthorized, not considered	(83,500,000)	***	***
LIBRARY RESOURCES			
Public libraries	60,237,000	67,500,000	+7,263,000
School libraries and instructional resources	167,600,000	180,000,000	+12,400,000
College library resources	9,975,000	9,975,000	---
Research libraries	5,000,000	6,000,000	+1,000,000
Training and demonstration	3,000,000	3,000,000	---
Undergraduate instructional equipment	7,500,000	---	-7,500,000
Subtotal, Library resources	253,312,000	266,475,000	+13,163,000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS			
Maintenance and operations:			
Payments for "A" children	300,000,000	317,000,000	+17,000,000
Payments for "B" children	357,000,000	357,000,000	---
Special provisions	16,600,000	16,600,000	---
Payments to other federal agencies	57,700,000	63,500,000	+5,800,000
Hold harmless	38,700,000	20,000,000	-18,700,000
Subtotal	770,000,000	774,100,000	+4,100,000
Construction	30,000,000	30,000,000	---
Disaster assistance	5,000,000	12,000,000	+7,000,000
Subtotal	805,000,000	816,100,000	+11,100,000

	Appropriations Fiscal Year 78	Appropriations Fiscal 1979	Fiscal Year 1979 Compared to Fiscal Year 1978
EMERGENCY SCHOOL AID			
National competition projects:			
Bilingual education projects	8,600,000	8,600,000	---
Educational television	6,450,000	6,450,000	---
Special programs and projects	76,250,000	70,000,000	-6,250,000
Evaluation	2,150,000	2,900,000	+750,000
Magnet schools	20,000,000	25,000,000	+5,000,000
State apportioned projects:			
Pilot programs	32,250,000	32,250,000	---
Grants to nonprofit organizations	17,200,000	17,200,000	---
General grants to school districts	137,600,000	137,600,000	---
Subtotal, ESA projects	300,500,000	300,000,000	-500,000
Civil rights training and advisory services	34,700,000	41,350,000	+6,650,000
Subtotal, Emergency school aid	335,200,000	341,350,000	+6,150,000
SPECIAL PROJECTS AND TRAINING			
Special projects:			
Metric education projects	2,090,000	1,840,000	-250,000
Gifted and talented children	2,560,000	3,780,000	+1,220,000
Community schools	3,553,000	5,376,000	+1,823,000
Career education	10,135,000	32,500,000	+22,365,000
Consumer education	4,068,000	3,601,000	-467,000
Women's educational equity	8,085,000	9,000,000	+915,000
Arts in education program	2,000,000	3,000,000	+1,000,000
Dissemination	10,000,000	14,000,000	+4,000,000
Educational TV programming	5,000,000	6,000,000	+1,000,000
Subtotal	47,491,000	79,097,000	+31,606,000

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